

request to propound momentarily. This is on the financial services modernization bill.

While I am waiting, I commend Senator DASCHLE for his leadership, helping to get us to a position where we could move to that legislation tomorrow; and Senator GRAMM and Senator SARBANES have been working together. I think this is a good agreement, a fair one, and allows us to get to a substitute that could be offered.

UNANIMOUS CONSENT
AGREEMENT—S. 900

Mr. LOTT. I ask unanimous consent that following the vote relative to S.J. Res. 20, if tabled, the Senate move to proceed and agree to the motion to proceed to S. 900—that is, the financial services modernization bill—and, following opening statements, Senator SARBANES be recognized to offer an amendment in the nature of a substitute, the text of which is S. 753, and no amendments or motions to commit or recommit be in order during the pendency of the substitute, and, if the amendment is agreed to, it be considered as original text for the purpose of further amendment.

I further ask that, following disposition of the Sarbanes substitute, the next two amendments to be offered by the chairman or his designee.

I also ask that following the disposition of two Republican amendments, Senator SARBANES or his designee be recognized to offer an amendment, the text of which is the CRA provisions of S. 753 substituting for the CRA provisions of S. 900 and no amendments or motions to commit or recommit be in order during the pendency of the Sarbanes/CRA amendment.

Finally, I ask that all amendments in order to S. 900 be relevant to the financial services legislation.

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

Mr. LOTT. I thank my colleagues and yield the floor.

DEPLOYMENT OF UNITED STATES
ARMED FORCES TO THE KOSOVO
REGION IN YUGOSLAVIA

The Senate continued with the consideration of the resolution.

Mr. MCCAIN. Mr. President, I yield 30 minutes to the Senator from Delaware, Senator BIDEN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, may I make a parliamentary inquiry? Is Senator DURBIN next on the list after me? The reason I ask is, Senator DURBIN apparently agreed to switch spots with Senator KERRY.

Mr. MCCAIN. After Senator BIDEN is Senator KERRY, Senator WARNER, Senator NICKLES, Senator DURBIN, then

Senator DORGAN, Senator LIEBERMAN, Senator CLELAND, Senator LEVIN, Senator HOLLINGS, and Senator BROWNBACK.

Mr. BIDEN. I thank the Senator. I know the Senator has a very important appointment he has to make. I am prepared, if it is all right with the Senator from Arizona, to switch with him and follow him. In other words, then the Senator from Massachusetts will be next and then I will speak.

Mr. MCCAIN. I ask unanimous consent that the Senator from Massachusetts, Mr. KERRY, be recognized for 15 minutes, followed by Senator BIDEN for 30 minutes, and the RECORD will show the incredible generosity of the Senator from Delaware, Mr. BIDEN, having allowed two—not one, but two—Senators to precede him.

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

Mr. MCCAIN. Mr. President, I ask that Senator KERRY be recognized for up to 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair, and I particularly thank Senator BIDEN for his courtesy. I appreciate this enormously. I also thank Senator DURBIN, who is not here, but will be here shortly, for his courtesy.

Mr. President, I join with the Senator from Arizona, the Senator from Connecticut, Senator DODD, Senator BIDEN and others in support of this resolution. I understand the sensitivities of a great many of our colleagues and the administration to where we find ourselves. But I think that a fair analysis of what the Senate has before it and what the country has before it really mandates that the Senate be prepared to back up its own steps, the steps that we took when we supported the bombing itself.

I heard a number of my colleagues in the course of the debate over this afternoon, most recently the Senator from New Mexico, say, "Well, we need to recognize that the President made a decision and the President, having made a decision, we now need to know from the President what the strategy is; we need to know from the President what the exit strategy is; we need to know from the President what is called for."

Frankly, I say to my colleagues, there is not a small measure of contradiction in those statements today. There may even be some measure, I think, of confusion about the road that we have traveled.

The fact is that the President made it clear to us at the outset what our goal was. The goal has always been the capacity of the Kosovars to live in peace within Kosovo. The goal has been a return to the status quo before Mr. Milosevic withdrew autonomy which had been enjoyed by the ethnic Albanians in Kosovo for years, in the wake

of his sudden discovery that playing the nationalist card, in fact, was a road to power, as it was also the road to some four wars and to an extraordinary amount of killing in Bosnia, in Slovenia, Herzegovina and Croatia.

Now, Mr. President, we find ourselves in the situation where the Senator from Arizona and some of us are suggesting that the course that we chose in the beginning is, in fact, a correct course, and the course that we ought to follow. The truth is that it was not just the President of the United States who made a decision. So did the Senate of the United States. A majority of the Senators in this body voted to approve the bombing, and having approved the bombing and having decided to send American forces into harm's way, they embraced the goals that were then stated.

One component of those goals did change, obviously, dramatically. The effort initially was to prevent the ethnic cleansing from taking place and to hope we could sufficiently degrade the military machine to prevent that from happening. That, obviously, did not occur, and the ethnic cleansing continued. We now find ourselves with more than half the population dislocated outside of Kosovo, a significant portion displaced within Kosovo, and as to how many that may be is imprecise.

It seems to me that this is not a time for the Senate to engage in covering its own posterior, not a time for the Senate to engage in a wholesale set of contradictions. It is rather the time for the Senate to declare, as unequivocally as it declared 40 days ago, that we are prepared to move forward with the bombing, that the same goals and the same objectives are viable today.

It is interesting. I know that some have hearkened back to the Tonkin Gulf resolution and have hearkened back to some of the lessons of the Vietnam war. There is no small irony, however, in the fact that we are beyond, in a way, the Gulf of Tonkin resolution. There was a time for people to question why we were bombing, what the motives were of bombing, what we hoped to achieve through the bombing and whether or not it was appropriate to start bombing and then suddenly stop, short of achieving those objectives. That, I think, would have been appropriate.

Having decided that you were going to bomb, I think most people accepted the notion that the reason for bombing was legitimate enough, that the reason for putting American forces in harm's way was legitimate enough, that the goals that we were trying to achieve were legitimate enough, and that if you were prepared to take the risks of putting those people in harm's way, you were also accepting the responsibility for achieving the goal that was set out.

Back in the 1960s, when the Gulf of Tonkin resolution came to the floor,

there were two Senators who stood up and, as a matter of conscience, said: I disagree with this, and voted against. One was Wayne Morse; the other was Ernest Gruening. It took a long time for history to prove those lone Senators correct. It may well be that those Senators who voted against the resolution supporting air strikes against Yugoslavia and who might choose to vote against those things necessary to achieve the goals may be proven correct by history. I do not know. At least that opposition is consistent, and at least that opposition is devoid of the disingenuity that we seem to see in those who voted to start bombing, those who have been saying for a year and a half or 2 years or more, you have to stop Mr. Milosevic, those who were crying for the United States to take a stand only a year ago, and then once the President does take a stand—the only stand that most people in the world thought he could take—all of a sudden they begin to vanish and run for the sidelines and take cover. I find that rather extraordinary, not to mention that it is, in fact, a contradiction of enormous proportions.

I understand how some in this Chamber have reservations about bombing. I understand full well about how some, given the history of the Balkans, may have inherent reservations about the United States, through NATO, even being involved there. Some of those people reflected those deep-rooted beliefs and fears in their original vote.

But the majority of the Senate voted by a greater margin than the majority who sent this Nation to war in Desert Storm—a greater majority. After Desert Storm, all those who had voted against it came together to suggest that the stated goals of the United States were such that we ought to guarantee the outcome. And we were committed to do what was necessary in order to achieve that, and we would support any efforts in order to achieve that.

Mr. President, I think one of the great lessons of the Vietnam period—and I think Senator HAGEL feels it very strongly, Senator MCCAIN feels it very strongly, Senator ROBB, myself, and others—is that if you are going to commit American forces, you make the decisions at the outset about what you are trying to achieve, and you make decisions at the outset that if you are going to send those soldiers—airmen, seamen, all of them—into battle, you do so with the understanding that you are committed to achieving the goals that you have set out.

I think it would be astonishing, in the face of the reality that the goals are achievable here, that this is so distinctly different from a Vietnam or even a Desert Storm in some ways—that we should ourselves provide these ingredients of doubt and reservation that seem to back off the original commitment that we made.

I have heard many people questioning, not only today, some of the rationale for why we are there or how the war is proceeding. But some seek a reservation in the notion that the President has not asked for this authorization of force or the Joint Chiefs of Staff have not asked for it. But those same people are always quick to come to the floor and assert the powers and prerogatives of the U.S. Congress in the conduct of foreign policy.

They are often the first to come to the floor to suggest some alternative policy to the President. They have often come to the floor with amendments to change Presidential policy in foreign policy, to amend it, to strengthen it. I think there is an irony that all of a sudden they are suggesting so much power to the President, so much prerogative away from the Congress, when they have spent an awful long time here asserting the very opposite.

In addition to that, I have heard colleagues deeply disturbed—as anybody should be appropriately—about collateral damage and what happens in the bombing. I do not think there is an American, in good conscience, who does not feel pangs or deep reservations about any errant missile or errant bomb and what the effects are. But there is no moral equivalency whatsoever between those errant impacts and what we are trying to achieve and what Mr. Milosevic has been achieving. There is simply no moral equivalency.

Let us not get confused between collateral damage and the murder, rape, organized rape, pillage, plunder, decimation of ethnicity, robbing of identities, the wholesale destruction of villages, the killing of teachers and parents in front of their children, the remarkable—remarkable—dismemberment of the people that Mr. Milosevic is engaged in and not for the first time. Having seen the record of what he did in Bosnia, to allow that kind of moral equivocation to enter into our thinking in this is, to me, to miss the point altogether.

The fact is that Senator DODD from Connecticut pointed out, and others have pointed out, that what we do here can have a profound, long-lasting, deep impact on our capacity to negotiate, to pressure, and to speak about and stand for morality and for a standard of behavior that is different from the kind of killing and marauding that has governed so much of this century.

Now, some will say, “Well, the Balkans are different.” Some will say, “Well, we can’t always affect the outcome of these things.” The fact is, we can affect this outcome. We can affect this result. We do have the power and the ability to be able to do this.

I have heard some of my colleagues come to the floor and say this is going to affect our capacity to fight some other war somewhere. What war?

Where? What are they talking about? I mean, are we planning suddenly some other war of which we are not aware?

This is staring us in the face. It is here. It is now. We are at war. The question we must ask ourselves is whether or not we are prepared to win or whether we are going to put obstacle after obstacle in front of ourselves to deprive ourselves of the capacity to achieve the goals that are achievable.

I hear some refer to Vietnam a lot, but other kinds of conflicts as well. I suggest that this is not a Vietnam—unless we make it a Vietnam, unless it is our own lack of resolve and pursuit.

Some have said, well, if it is a mistake in the first place, you do not want to go down the road pursuing a mistake. I support that notion. I recall coming back from Vietnam and saying, “it is pretty hard to ask somebody to be the person to die for a mistake or especially the last person to die for it.”

I am sensitive to that. But the original question is, Is this a mistake? When 58 of us voted on the floor of the Senate to send people into harm’s way in order to achieve our stated goals, we were making a judgment about whether or not we thought it was a mistake to intervene. And now that we have decided to intervene, let us at least have the courage to persevere.

Why did we intervene? Well, I believe that the imperatives of intervention outweigh the alternatives so far that it is hard to really measure the counterarguments. Any one of us in the Senate can hear this well of the Senate ringing out with the voices of those who would have come to the floor if the images of CNN night after night had been of Milosevic running unstoppped over the people of Kosovo, unstoppped, and no effort whatsoever to try to prevent him. I could hear people coming to the floor and saying, “Where is a President with the courage of Ronald Reagan or George Bush who’s willing to draw the line as they did?” You can hear those speeches now. They would have been spoken.

President George Bush, in fact, had the same policy that President Clinton has. George Bush, before he left office, said we would draw the line in Kosovo and told Mr. Milosevic, in no uncertain terms, “Don’t monkey around with this one.” And because he had the credibility of what he had done in Kuwait, you can bet that that made a difference.

That is why we are here on the floor with this resolution, to give our effort the kind of credibility that it deserves, to back up our soldiers who are running those risks on a daily basis, with the understanding that there is a rationale for our having asked them to do what they are doing. I do not, by any sense of the imagination, believe that we have exhausted the air campaign in this.

It astonishes me, in some ways, that so many people are so questioning of

an air campaign that—knock on wood—has not yet cost us the life of one of those pilots. I am astonished, as a former serviceperson, at the quality and care with which this has been prosecuted. We lose more people every week in the military of this country in normal training exercises and operations. The fact that this has been carried on now for 40 days, melding Dutch, British, Germans, Americans, French, Greeks, 19 different countries together, melding all of these airplanes and those multiple sorties, and bringing that together, is really a remarkable accomplishment.

At the same time, day by day by day, albeit some Members of the Yugoslav Army may feel better and think, gee, we have been given a purpose in life, the fact is that on a daily basis their capacity to wage the war is being stripped away. Who in their right mind would choose Mr. Milosevic's hand to play in this versus the hand of NATO?

The question before the Senate and this country is, Will we have the capacity to stay and play out the hand that we have?

This is not Vietnam. This is not a country that stretches from the equivalent of New England all the way down to the tip of Florida with a Laos and a Cambodia on its borders, with a superpower, the former Soviet Union, and China sitting in the background supplying, pushing down the Ho Chi Minh Trail, ready to come in when we threaten to use whatever force may be available to us. This is not the United States essentially acting alone.

Taken together, Serbia and Montenegro are slightly smaller than Kentucky and are essentially surrounded by friendly people. Kosovo is approximately the size of Los Angeles county. Unlike North Vietnam and South Vietnam at the time, unlike that country, where we became involved on the side of one of the combatants, where we chose to carry on years of colonial effort that had been misconstrued by the population and outright opposed and reviled for years, unlike the inadvisability of having been embroiled, we have been very careful here to suggest we are not for independence for Kosovo, we are not for the KLA ravaging their countryside any more than we are for Mr. Milosevic and the Serbs doing so.

We are fighting for the standards of internationally accepted, universally accepted behavior that country after country has signed on to through United Nations conventions and other instruments of international law and through their own standards of behavior.

I can't think of anything more right than taking a position against this kind of thuggery and this kind of effrontery to those standards as we leave the end of this century.

Some people say to me, "well, Senator, we are going to have some people

there for a long time." My answer is, So what? If that is what it takes in order to try to begin to establish a principle that is more long lasting, so be it.

What is the difference between 4,000 troops who have been asked to be part of a peaceful effort to change the standards of behavior in Kosovo as part of southern Europe—what is the difference between that and the 500,000 troops we had at a high point in Europe after World War II? Don't forget the way in which most Americans were skeptical of Harry Truman and the Marshall plan. How on Earth could the United States of America, having fought the Germans, turn around and put money back into their country? How on Earth could we try to bring the Germans into NATO?

Well, where are we today? A united Germany, the Berlin Wall gone, Berlin about to be the united capital of Germany, and the result, Germans participating with us in standing up against the very kinds of things that stained the history of this century and of their country during World War II. Is there a more beautiful circle in terms of understanding what is at stake? I do not think so.

It seems to me, Mr. President, that an investment of some 5,000, 6,000, 7,000 troops in southern Europe to guarantee that Greece, Macedonia, Montenegro, and Albania can remain stable and not be dragged into this, that is worthwhile.

Some would say, Senator, we heard that old domino argument before; that is the one they gave us in Vietnam.

Once again, the facts on the ground are proving the reality. Can anyone here tell me with a straight face that Montenegro, without our current efforts and involvement, could possibly withstand the strains of what is happening? Can anybody tell me that if the entire population of Kosovo were driven out into Albania, you wouldn't somehow see Macedonia, Greece, Albania dragged into this? Ultimately, there isn't a person in the Senate who doesn't understand that we would have been dragged into it, too. There was an inevitability that NATO would be called on to take a stand.

How astonishing it is that people find some kind of moral equivalency here between some of the difficulties of waging a fairly carefully prosecuted—not fairly, a very carefully prosecuted war, and what we are trying to achieve. How astonishing that people are so concerned about finding that equivalency measured against what Mr. Milosevic has done.

I believe if we will stand our ground and be steady and show the resolve that we need to show as a great country and the leader of the free world, that we have the ability, through this air campaign, to achieve ultimately the diplomatic outcome that we would like to achieve.

But we have also learned through all of history—Henry Kissinger and Richard Nixon will tell you this, in dealing with the North Vietnamese in the Christmas bombing, and I hated it back then, but I have come to understand that there are, in fact, sometimes some things that do speak and make a difference to certain people. Like it or not, as I have been deeply involved in that part of the world in the last years, I have learned that that did help make a difference to people's decisions to try to come to some kind of resolution.

The fact is that we are now backing up diplomacy with force. I have heard some people call for a stay in that force, that somehow it would be diplomatically nice if we were to turn around and have a bombing pause.

My response to that is very simple: Do not let the politicians decide, after sending the military personnel in to risk their lives, when you are going to have a bombing pause, without adequately passing it by the military to ensure that you are not going to put your people at greater risk if you don't achieve your goals at the back side of it.

I can't go into all the reasons for that, but people understand that there are a great many repercussions to a bombing halt which could have greater jeopardy to our pilots and greater jeopardy to the use of whatever force we need to use down the road. I am perfectly committed to having that happen at the right moment, but I want that to be driven by the military needs of achieving our goals and not simply the political imperatives at the time.

Finally, Mr. President, let me say that I hear colleagues say: Well, we want to know what the end game is; we want to know what the strategy is. We have even heard mention of the Boland amendment and other things. Are we in this to win?

There are only three or so choices in this, Mr. President. That is about it. Anybody ought to be able to figure them out. Stop the bombing and fail to achieve your goals. And if you stop the bombing; NATO would be irreparably damaged, if not simply finished. Mr. Milosevic can declare victory, do what he wants, and you will have no force in there. That is one choice.

Another choice is that you continue to prosecute the air war as you press the diplomatic effort, with a guarantee that you are going to press that until you get that effort.

The third is—and it is the best end game, best exit strategy of all—you win. That is the exit strategy. You achieve the simple stated goal of returning the Kosovars into Kosovo, allowing them to live in a protected structure where people won't be killing them, and at the same time have a force that has the capacity to prevent the UCK/KLA from also engaging in killing. It is called peace. I think that is an end game worth fighting for.

If the impact of the air war is substantial enough to force Mr. Milosevic to yield and accept NATO's terms for ending the war, then we will have won. However, if bombing alone is not enough, then winning will require that we have the determination and resolve to do whatever is necessary on the ground to achieve these objectives—to win.

I think when you measure the history of Europe and the importance of southern Europe, and the success of the integration process in Europe, you cannot question the need to achieve our stated goals in Kosovo. NATO has played an important role in the integration process—just talk to the officials in Spain or in other parts of Europe about the impact of NATO as an organizing principal, as a means of having brought countries together around democracy. They will tell you unequivocally of the degree to which the process of meeting, of coming together, of having mutual responsibilities, of needing to work together have had a profound impact on the capacity of Europe to develop so that they now have a common market and are working on the last efforts of integration, with more power in Brussels and more capacity as a European entity to speak to the world and to stand for these principles.

Are we going to deny that to southeastern Europe? Are we going to ignore the lesson that we would send to Baghdad or Pyongyang or Tripoli or to other parts of the world if we fail to do what is necessary to win in Kosovo? I hope the answer of the Senate would be unequivocally no. The lessons of history are such that they taught us that this is the right thing to be doing for the right reasons. They are, I think, efforts that are worthy of our commitment in order to see it through to the end.

I am confident that if the Senate and the country were to speak with a single voice on this, in a short period of time we would see this resolved and, most likely, Mr. President, without recourse to ground troops or to prolonged war.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been authorized, since nobody else is on the floor, to go down the list here. I believe I am to be yielded 30 minutes at this point. I ask that I be able to proceed.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 30 minutes.

Mr. BIDEN. Mr. President, there are few issues that this body debates which are of consequence equal to what we are debating today. We are literally talking about the life and death of thousands of people, including possibly American personnel, American soldiers.

I have been here for 27 years, and on those occasions when I have been put in the position of having to vote on matters that relate to whether or not someone will live or die, I have tried my level best to be as intellectually honest and rigorous with myself as I possibly can. I have listened to the debate on the floor today with great interest and with some disappointment. It comes as no surprise to my colleagues that have served with me in the last 10 years or so, or even those in the last year or so, how strongly I feel about the Balkans. I am given blame, or credit, depending on the place from which you come, for getting us as involved in Bosnia as we are. I came back in the early nineties from a long, several-hour meeting late in the night in the office of Slobodan Milosevic, the President of Yugoslavia, and I came away convinced that this was a man with an agenda that was anathema to our interests and was literally genocidal.

I wrote a report years ago, referred to as "lift and strike," whereby I urged us to change our policy. And so I don't want to attempt to hide in any way the intensity of my feelings about what the appropriate action for the United States, NATO, and the world is relative to Mr. Milosevic. But when I recently got back from Macedonia late at night on a Sunday, I got home. After flying, I guess, for 12 or so hours—whatever the timeframe was—I did what most people do after a long trip. I took a shower and brushed my teeth and tried as quietly as I could to climb into bed and not disturb my wife, who was asleep.

After I got settled, thinking I had accomplished not awakening her, she leaned over and said, "Welcome home." Then she asked me a question, which I suspect the American people are asking. You are going to ask every one of us. My constituents are going to ask me. It was absolutely sincere. She said, in the dark of the night—and I could not even see her face—"Joe, are you sure you're correct?"

That sort of cut right to the quick of things. I had been so outspoken on this issue, and that took me aback for a moment. I answered her with complete honesty and candor. I said, "I don't know. I am not positive. I can't guarantee it, but I feel so strongly that I'm right, that I'm going to continue to pursue pushing us in the direction of doing what I think is right."

If my wife is asking me if I'm sure I'm right, and she is privy to my thoughts, concerns, and serious contemplations about whether or not I should be a party to causing some Americans to die, then I wonder what the majority of the American people must think. They must be moved by, or find appealing, the arguments of some of my colleagues today on the floor: It is not our fight. We should not be

there. We are doing it the wrong way. The President of the United States is not worthy of our trust as Commander in Chief. We should bring the boys home. We have no vital interests.

You know, I sit in a seat now that men such as Vandenberg sat in. I am a senior Senator. There is only one person on the Foreign Relations Committee that has been there as long as I have been there. When I was the age of these pages—this is the truth—I used to wonder, when I was in high school and college, as we studied about Hitler and Germany, why nobody did anything in 1934 or 1935 or 1937 or 1938 when the price would have been incredibly lower. You look back now and just think what would have happened had the world united and gone in and taken Hitler out. Just think how different it would have been.

By the way, I note parenthetically that I am not equating Milosevic to Hitler in terms of his capacity, ability, or his danger. As the Senator from Massachusetts pointed out, he does not represent a country of 50 million people, an industrial giant. He does not have the military power of a country as great as Germany. He does not present the same threat.

But it is analogous in the following way: In a closed meeting of the Foreign Relations Committee, with senior Members of the Senate in attendance from the Committee on Appropriations and, I believe, Armed Services, I was making a case several months ago about why we had to be involved.

One of my colleagues, for whom I have an overwhelming amount of respect, a veteran who put his life on the line for this country, a very promilitary guy, looked at me and asked the following question, which answered for me that question I could never answer as a young man, Why did we not act? After listening to my case as to why we should be involved with NATO, he said, "But, Joe, can you guarantee me no American will be killed?" It was as if somebody took one of those little hammers that the doctors use to test your reflexes, those little rubber hammers, and went bing, and hit me right in the head. The light went on, and all of a sudden I realized why the Vandenberg of the world didn't do anything.

It is difficult to explain to the American people how you would risk even one American life, or more than that, how you would be able to say I can assure you that Americans will die for something that hasn't happened yet. How do you do that? I am sure somebody said, in 1935: If we go in after Hitler, it is going to cost 100 or 1,000 or 2,000 American lives to get the job done.

I am sure Senators like the Presiding Officer and me sat there and said, "How am I going to go home and explain that to my folks? How can I go

home and explain we are going to lose several thousand American lives to take out a guy they do not know anything about, who is no immediate threat to them now, and all he is doing is beating up Jews and gypsies?" Hard sell. That is where we are now. We have a guy who is doing more than beating up Jews and gypsies. We have a guy who, if you turn on your television, is loading thousands of people into railroad cars in the heart of Europe. He has corralled them like cattle, putting them in railroad cars. I looked at it, and I thought to myself: This is almost like a video game, or something. Is this real? This is 1999. They are loading people on railroad cars because of their ethnicity and religion.

The Senator from Oklahoma, Mr. INHOFE, said he was recently in the camps in Macedonia. So was I in the same camps. We came away with two different impressions. We agreed they were happy to be there. We agreed they were getting fed well. But do you know what struck me? As a Senator, I have been in refugee camps all over the world. It was the following. I was standing there talking to people. And there was thousands of people in line—like a long movie line. They were about six or eight wide, snaked all through this camp. I was standing there answering questions for people, and asking questions of refugees. All of a sudden it struck me. I was standing next to a guy who had on a sport coat that must have cost \$750. Another guy—I looked down at his shoes. They had been to be \$300 Italian-made leather shoes. In between them was an old lady in a babushka with her teeth missing. All of a sudden it came to me. This is the enormity of the cleansing. It had nothing to do with their economic station. It had nothing to do with the specific territory they lived in. It had to do with their religion and their ethnicity.

It is as if someone marched into an office building in downtown Washington and took out the \$400,000 lawyers along with the cleaning lady because they were both Moslem.

People say "no vital interest." Let me ask my colleagues who are listening and the staff of my colleagues who are monitoring this debate. Ask yourself the following question: Can anyone say that they will be leaving their children and grandchildren a more secure future if NATO and the United States do nothing to stop the ethnic cleansing in the heart of Europe? Forget for a moment whether or not I and others are right, that if we do not act, it will result in an open war and the split between Greece and Turkey, a division within Europe that is reminiscent of 1910 and 1915, although the Hapsburg, Ottoman, German, and Russian Empires were still in existence. Forget that. Assume we are wrong about that. Tell me, anybody explain to me, how

my child and granddaughters are going to be more secure if, in fact, you have a million people displaced, you have thousands of people—at least now documented hundreds of people—brought out in the backyards of their homes and knelt down and had their heads blown off.

There are 11 million ethnic Russians living in Ukraine. There are thousands, tens of thousands of Hungarians living in Romania. There are hundreds of thousands of Turks living in Bulgaria. Tell me how this works. Someone explain to me. And then, even if they can explain that, explain to me how the United States of America can be prevented itself from being dragged into a war in Europe.

Look, I am not saying to you all that if we don't act right now, within the next 5 years our future is doomed. But tell me what Europe looks like in 20 years. Tell me how it is possible that the United States can conduct its foreign policy anywhere in the world without a stable and secure Europe, not because we are "Europhile" and we only think Europe is important or more important than Asia. But tell me how with our economic, political, cultural, and military ties there can be a Europe divided and our interests not be affected. I find it absolutely astounding that anyone in this Chamber could say we have no vital interest.

I also find this moral relativism very fascinating. It kind of goes like this. If there is an injustice anywhere in the world and we can't deal with every injustice, then we should deal with no injustice. If in Rwanda African tribes are killing one another and the carnage is greater there, or in Cambodia where 2 million people were killed—and the list goes on—if we didn't get involved there, how did we get involved now?

Well, I point out two little facts:

One, we have the means in Europe that do not exist in those other parts of the world; two, we have the ability with the means available to us if we are willing to execute an outcome that we desire; and, three, if Europe begins to disintegrate, we are in trouble, because we are a European power.

I said that I would try my best to be as honest with myself as I could because, by the way, I tell you we are political. I am not suggesting those who oppose our involvement in Kosovo do it for this reason. But I can tell you that it is a lot easier for me in my State to be for noninvolvement. That is a sacred place to be, Mr. President. That is the easier place to be. I didn't look for this fight. This is not why I came to the Senate at age 30 saying I want to be for pushing us to go to war. That is why I examine these arguments the best I can, because if there is a better way that doesn't include war, I am for it.

I listened to all the arguments today. The only one, with all due respect, that I think made sense was PETE DOMEN-

ICI's. He is in opposition to the McCain-Biden resolution. What he said, from my perspective at least, adds up, and it makes sense. He said, "Hey, look. The President didn't ask for this authority. Why are you forcing it on him? He doesn't want it yet. So don't give it to him." And we should send him a letter that says, "If you want it, Mr. President, ask us and we will act on it quickly."

When the Senator from Arizona and I introduced this resolution, that was basically our intention. We didn't—at least I didn't—contemplate that the Parliamentarian would rule correctly—I am not challenging the ruling—that the War Powers Act was implicated and that we must vote on this resolution. That was not what we anticipated. We anticipated, when we introduced this, for it to be here on the floor ready and able to be brought up when it was needed, because we—at least I—concluded that we should give the air campaign a full opportunity to succeed—I haven't given up on that yet—but that Milosevic and the rest of the world should know we were prepared to do whatever it took to win.

Here we are, voting on it because of the procedural rules not of the Senate, but of the statute, and thereby by the Senate rule.

I understand Senator DOMENICI's argument. By the way, I believe, notwithstanding all the speeches today, if the President of the United States asks for ground troops with NATO, that this body will vote for it; that there are over 51 votes for it. When the rubber meets the road and Members have to vote yes or no, I predict we will see a lot of opinions change.

Now, I heard today time and again the Gulf of Tonkin analogy. With all due respect, it is not at all analogous. In the Gulf of Tonkin resolution, the U.S. Congress said to the President, and I am paraphrasing, Mr. President, use whatever means at your disposal. It didn't say what the McCain-Biden resolution says; it didn't say use whatever means is at your disposal—assuming 18 other nations sign on with you. You do not, if McCain-Biden passes, Mr. President, have the authority to use force unilaterally. It is in conjunction with NATO; not alone, in conjunction with NATO.

At the time of Vietnam and the Gulf of Tonkin resolution, we were essentially alone in the world in concluding that force need be used. With regard to Kosovo, we are in the majority. The entire civilized world, including the Russians, acknowledge that Milosevic is engaged in behavior that violates every notion of civilized conduct. They disagree on the means we should use to deal with that.

I was in Macedonia. I went into a tent city about which my friend from Oklahoma talked. He is right, these are courageous young men and women. I

sat in a tent that housed about 20 military folks. I walked in and said, They make the analogy back home about Vietnam; what do you guys think of that? There were two women, as well. What do you think of that? A sergeant looked at me, he was 23, 24 years old, and he said the following:

Senator, when you were 23 years old, if they had sent you here, would you have any doubt about the morality of what you were undertaking?

The answer is no. It is not analogous to Vietnam. I was a student during Vietnam. We were told there was a monolithic communism that was going to roll out of Moscow and Beijing, roll down through Southeast Asia. Our history professors would say, Wait a minute, the Chinese and the Russians aren't getting along together. And, wait, the Chinese and the Vietnamese have been fighting each other for 300 years. So explain to me how this domino is going to fall.

Did anybody notice fleets of Russians in Cam Ranh Bay? Not because of us, the Chinese weren't going to let them be there. This monolithic communism didn't exist.

I don't want to relitigate Vietnam but it is not analogous, not only for the reasons my friend from Massachusetts stated—the size of the territory, the population, the availability of the arms materiel, the allies. Sure, China and Russia cooperated because it suited their interest to keep the Vietnamese fighting us but not because of the rationale we were given.

I respectfully suggest there is nothing analogous. The Tonkin Gulf resolution is not analogous because it is not giving the President authority on his own in the McCain-Biden resolution as Tonkin Gulf did. It is a different continent, it is a different population, it is a different rationale. There is no doubt on the part of anyone about the morality of the undertaking.

That old joke, and I am paraphrasing, Can 18 European countries that don't have a lot in common be wrong, all at once? Can they all be wrong?

Listening to this debate, one would think the President of the United States just woke up one morning and said: "You know, I need a war. I would like to have a war. I would like to test our new smart bombs. I would like to figure out if they work better than they did in Desert Storm. We put a lot of money and time into it, and I have just the guy to look to. Eighteen other nations said what this guy is doing is bad."

Some of my colleagues will say they have been fighting for thousands of years; all those people are the same. There are a lot of bad guys on all sides, but I don't see the Moslems loading up Serbs on cars and sending them off. I don't see this happening anywhere else in Europe.

There is one remaining dictator in the region. His name is Slobodan Milosevic. He is a bad guy. He is a smart bad guy. He is doing very bad things. The idea that the United States of America, when all of Europe has stood up and said this must stop, will walk away, I think is absolutely bizarre.

Does anybody here truly believe we could stand aside, let this happen, and it not affect our vital interests in the year 2010 and 2012 and 2020 when my granddaughters and their husbands will be sent off?

It seems to me we are making a gigantic mistake here to try to hide behind a lot of arguments. I raise this question with my friend. We use that phrase all the time—"my friend." This guy really is my friend. We have been friends for 27 years. We were back in the Cloakroom talking. I said, what the heck is going on here? I think we both came to a similar conclusion, at least in part. On both sides of the aisle people are using code words because they don't want to be isolationist. This is about isolationism or internationalism. That is what this is about.

A lot of Republicans don't trust this President. I am not suggesting they trust him, but just sort of take that nickel when you do the cards at McDonald's for your kids and see whether you won a cup or something. Scrape it off a little bit and right below is the real link—isolationism.

On my side are a lot of the old antiwar Members. By the way, decorated veterans such as Senator MCCAIN and Senator KERRY say we should be doing this.

Look, folks, I don't know how to run an antiseptic foreign policy. I don't know how you can be President of the United States and make every decision you make based upon the following formula: If an American will lose their life, we can't get involved.

Look, if there is any man in this Chamber, or woman, who understands the loss of life in war and the brutality of war, it is my colleague here, Senator MCCAIN. I am not being gratuitous here. He may be the next President of the United States of America. Guys like him, and women like him, may have to say, "I am going to have to do something that is going to cost American lives."

People who disagree with us, I say to my friend, act like we are cavalier about it. I don't understand it like my friend understands it, but I think I understand loss of life a little bit. It is not about that. It is about the recognition that this is a mean damn world out there.

So I listen to my colleagues make the strangest arguments. I hear a Democrat stand up and say: You know, we should not be involved in this at all. This is a terrible thing. I voted against the bombing. And, by the way, we have

to save the refugees. We are going to save the refugees.

Where the heck are you going to save them?

Mr. MCCAIN. Will my colleague yield for a question?

Mr. BIDEN. Sure, I am happy to yield.

Mr. MCCAIN. What does my friend from Delaware make of the argument that this is not the right time, this is not the right time to vote on this? So we are going to table this motion tomorrow and a whole bunch of our colleagues are going to say—including, by the way, my dear friend from Virginia: Yes, this is a problem. It has only been going on for 5 weeks now. Hundreds of thousands of people have been moved from their homes, thousands have been killed, massacres every day—but this is not the right time to vote on this particular issue. So we will vote tomorrow to table it and cut off debate and cut off discussion and abrogate the responsibilities that we have as Senators.

Frankly, does my friend think that maybe they know better?

Mr. BIDEN. I say to my friend from Arizona, and I spoke to this very briefly in his absence, it is the only argument that has any substance, in my view. I disagree with it. I disagree with it for a lot of reasons I have spoken to. I am going to vote and urge my colleagues not vote to table. We will do it the right way. But at least they have an argument that the President has not asked for it. I think we should be telling the President he has it.

We are not demanding, the Senator from Arizona and I, that he use ground troops. We are saying to him: We want to make sure you understand that you have to win this and you can't come back to us and say you didn't do it because you didn't have the means. At least that is why this Senator is pushing this.

The arguments I find totally disingenuous, though, are the ones that go like this. I heard today: You know, I voted against the bombing, but I tell you what, I am going to vote to table this use of the available ground troops to the President because I don't trust the President. But I tell you what, if this President were a leader, he would do whatever it took to stop this. But I am going to vote against giving him the authority it would take to stop it because I don't trust this President.

How? I don't understand.

Mr. MCCAIN. Will the Senator yield for one more question?

Mr. BIDEN. I sure will.

Mr. WARNER. Mr. President, I do not want to interrupt this important colloquy, but I believe I am up next.

Mr. BIDEN. You are, but I don't believe my time is up yet. If it is—apparently my time is up.

Mr. WARNER. I would like to ask a question of you.

Mr. MCCAIN. Mr. President, I believe I was asking a question. I do not believe the Senator from Virginia has the floor.

Mr. WARNER. I did not mean to interrupt, Mr. President.

Mr. MCCAIN. I ask unanimous consent for 2 additional minutes for Senator BIDEN—excuse me—I grant Senator BIDEN 3 additional minutes.

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

Mr. MCCAIN. The White House, the National Security Adviser, the Secretary of Defense and Secretary of State are now frantically lobbying against this resolution, who are saying vote to table. Has my colleague ever heard of a time where the White House and the administration lobbied actively against obtaining more authority?

Mr. BIDEN. Only on one occasion. The point the Senator is making I understand. But only on one occasion. Two other occasions I can think of where Presidents have asked not to have more authority—when they thought they were going to lose.

I have personally spoken to the President. I have spoken to the National Security Adviser. The National Security Adviser would like to have this authority. But what he does not want to have is a vote that says he cannot have the authority. They are worried if there is a vote that is a straight up-and-down vote and it loses, that it will mean, in conjunction with the House vote last week, that the Congress is on record against ground troops.

My argument to them is it does not mean that. It means they concluded they were not prepared to do it now without the White House asking for it. But I believe there have been circumstances in the past where Presidents have affirmatively suggested they not ask for authority and table something when they thought they did not have the votes.

My colleagues on this side have told them they do not have the votes, as have your colleagues. I think my colleagues on this side are wrong, and I think the colleagues on the other side are wrong about the votes. Because I find an interesting thing, Senator. On very, very important matters—and everyone knows how important this is—Congress likes to avoid responsibility.

I will take us back very briefly to the Persian Gulf. On the Persian Gulf we had great disagreement, and during that time I remember going to my caucus and saying: We must demand a vote. And my colleagues on my side, whose names I will not mention, but I give you my word to this, who were against the action in the Persian Gulf, said: No, no, don't ask for a vote, because they wanted to be in line. Because if it succeeded, they wanted to be able to say, "Great job, Mr. President,"

and if it failed, they wanted to be able to say, "Not me." I think that is at work here, I say to my friend from Arizona.

But the bottom line of it is that the Senator from Arizona, in my opinion, is dead right. I think the amendment is dead right on. I think we do more to bring a successful conclusion to this war by giving that authority whether or not it is used. I think we would make a tragic mistake being apologists for a policy that in fact makes no civilized sense, when we make moral equivalence about the people in the region, when we argue that a bombing pause would not affect anything, when we argue—my time is up. Ten seconds.

I compliment Reverend Jackson on bringing these folks home. But with all due respect, I can think of a lot of people with his standing who could have gone and probably gotten the same result, if in fact they were willing, and believed as he does, that we should stop the bombing.

I think it is a mistake. It is a little bit like saying: Give me three people back and I will not do anything about the 300 you massacred—which they did, by the way, just 4 days earlier.

I think it is a tragic mistake. I wish we would get our act together. I think the President is going to have to take the case to the Nation more forcefully than he has. I hope we do not table the McCain-Biden resolution, but it appears we are going to do that. As you can tell, I have spoken too long. But I think this is something in our vital interest with the capacity to affect the outcome that would be beneficial to all people, and the idea that it would be a failure if we had to have forces there in order to maintain the peace, who were not being killed, and the genocide stopped—I would consider that victory, not failure.

Mr. MCCAIN. Mr. President, with apologies and respect to my colleague from Virginia for going over time, I yield 15 minutes to the Senator from Virginia, Senator WARNER.

Mr. WARNER. I thank my friend. Before he leaves the floor, I think a colloquy here—and I am very much interested in following the one you and Senator BIDEN had—might be helpful. This Senator intends to vote to table. I do so with a heavy conscience, because I have no better friend, nor a man I respect more, than my good friend, the Senator from Arizona. We sort of served in the Navy together. He had more rank than I did; at one point I had a little more authority than he did. And my good friend from Delaware, you do recall who was your co-sponsor. It was Biden-Warner. So I think that points out there are differences of conscience, clear conscience now and then, where we differ.

I want to ask both of you, on the condition you answer on your time, on such time you have, a very simple

question: What does this resolution give the President of the United States that the Constitution has not clearly reposed in this President and in every other President since the beginning of this great Republic?

I ask that question because to vote otherwise would possibly, if this were to carry, in my judgment, send a hollow message not only to the United States but across the world. He has the authority under the Constitution to do precisely what you state in here.

I ask simply: What does this confer on the President that the Constitution has not already conferred?

Mr. MCCAIN. I will be brief in my response.

Mr. WARNER. We have the understanding it is on their time, Mr. President.

Mr. MCCAIN. Mr. President, I yield myself 1 minute to respond to the question from Senator WARNER.

This is exactly the same as the authority that was granted to the President in the case of Bosnia, in the case of the Persian Gulf war, in the case of going all the way back to Beirut, exactly the same thing: Telling the President of the United States that Congress does play a role.

We ignore the War Powers Act. We all know that. This is not a war in the classic sense, and we do not declare wars. This is a role for the Congress of the United States to play, endorsing the President's ability to use whatever force is necessary in order to bring the conflict to a conclusion. It is no different than that of the Persian Gulf war resolution, the Bosnia resolution, the Lebanon resolution, the Grenada resolution—there has been literally one in every conflict in which we have engaged.

Finally, may I say that it is also an effort, frankly, to get the President of the United States to do the right thing.

I yield my time.

Mr. BIDEN. May I have 1 minute to respond?

Mr. MCCAIN. I yield 2 minutes to the Senator from Delaware to respond.

Mr. BIDEN. I thank the Senator.

I say to my friend from Virginia, I think it is constitutionally required. I am in the minority in that view. I do not think the President has the authority to commit ground troops without the consent of the Congress, but I think it is politically necessary. I think it is politically necessary because it is of great value to any President to have the Congress on the line with him as he prosecutes a war. I think it is constitutionally necessary and politically wise.

I realize that there are those who disagree with me, that the war clause—not the War Powers Act, the war clause—of the Constitution I believe requires the consent of the Congress for the use of this force now, but it—

Mr. WARNER. By "this force," the Senator means what?

Mr. BIDEN. I am sorry. If he were to use ground forces. But I acknowledge there is a constitutional argument that says that if the Congress had voted and the House did not, but if they had voted, as we had, for the use of air power, that he would not need that additional authority.

I do think there is a constitutional requirement for the Congress to assent to this action. I understand I am in the minority. Beyond that, I think there is a political necessity that we be united.

My friend and I have talked about this privately before. We can all disagree about the lessons from Vietnam, but I think we both agree that one of the lessons out of Vietnam was that no matter how smart, no matter how brilliant a foreign policy is, it cannot be sustained without the informed consent of the American people and their elected representatives being signed on to it.

That is my primary motivation. The place my friend from Arizona and I disagree is, I am not doing this to embolden the President to do the right thing. The reason I signed on to it is to make sure the Congress goes on record saying that we will back whatever action the President takes to meet the four goals that he has stated. There is legitimate constitutional disagreement, but I fall down on the side that I think it is necessary.

Mr. WARNER. Mr. President, I will simply reply to my good friend, only four times in the history of the United States of America has Congress used that phrase, "declare war." World War II is the last; am I not correct?

Mr. BIDEN. You are.

Mr. WARNER. How many times did we send out our troops? Are we suggesting each time, whether it was Vietnam in particular or Korea, that that wasn't the proper authority exercised by the President of the United States? You suggest that, I say to the Senator, when you say—

Mr. BIDEN. Mr. President, yes, I am. In the one case in Vietnam, it was given through the Tonkin Gulf. In Korea, I don't think it is constitutionally—by the way, I am not alone in this. I happen to teach—it does not make me an expert, but I happen to teach constitutional law and separation of powers now in law school. I can assure you one thing: The vast majority of constitutional scholars agree with me.

The point being, you do not need to declare war. As Louis Henkin, who wrote the Restatement of International Law, pointed out, it does not require a declaration of war; it requires a consent of the Congress, which is equivalent to the authority required, just like what we did in the Persian Gulf. When the Congress went on record granting the authority to the President to use the force in the resolution, that is the equivalent of a dec-

laration of war. All constitutional scholars agree on that point.

Mr. WARNER. Mr. President, the resolution of the gulf in 1991 is one I remember, may I say with a lack of modesty.

Mr. BIDEN. I think you drafted it.

Mr. WARNER. I was the author of that resolution. I say to the Senator from Delaware and the Senator from Arizona, there is a clear distinction in that case. There the President of the United States asked the Congress; am I not correct? Did he not ask the Congress?

Mr. BIDEN. He is correct, Mr. President. I am sounding too much like a lawyer now. From a constitutional standpoint, whether they are asked or not is irrelevant. The only relevant constitutional point—and this is getting us off the point here, but the only relevant constitutional point is whether or not the Congress granted authority, asked for or not. That is the only relevant constitutional point.

With the Senator's permission, I would like to ask unanimous consent to print in the RECORD a legal brief which I have written on this point relative to the war powers clause and whether or not it is required and on the issue of whether or not there is the equivalency of a declaration of war by the consent of the Congress for the action specified.

Mr. WARNER. Mr. President, may that request be granted in such a way that it can appear after our colloquy and at the conclusion of my remarks?

Mr. BIDEN. With the permission of the Senator, I will put it in tomorrow so there is no question that it is not interrupting his remarks.

Mr. WARNER. Mr. President, while I have the Senator's attention, though, he said—very interesting—I don't want to breach confidences, but he and I have been present at three very important consultations with the President of the United States.

Mr. BIDEN. Yes.

Mr. WARNER. My recollection is, the first one was an hour and a half; the second, almost 2; and the third, I think I was the last to leave after 2 hours.

Mr. BIDEN. Long time.

Mr. WARNER. I know my colleague from Oklahoma, who will next speak, was there throughout the 2 hours. I recall the Senator from Delaware was engaged in a very interesting colloquy with the President about the issue of asking and not asking. Does the Senator remember that colloquy?

Mr. BIDEN. I do.

Mr. WARNER. I thought he was quite accurate. My recollection is, did you not solicit?

Mr. BIDEN. I did. Mr. President, again, I am sounding too much like a constitutional lawyer here. I don't want to mix apples and oranges.

Mr. WARNER. Mr. President, let's talk like a Senator. We are all Senators here.

Mr. BIDEN. If I may, the Senator makes a valid point. I will not tell you what the President said, because that will be inappropriate. I will tell you what I said. I am allowed to do that.

Mr. WARNER. I remember it very well.

Mr. BIDEN. There was an issue, and all the Senate and House Members were assembled, and they were about to vote on the floor of the House of Representatives on a resolution relating to whether or not the President would ask for consent to use ground troops. Let me be precise.

A resolution was submitted characterized by the Speaker, as we sat there, as one that would say the following, and eventually was voted on. It said: Mr. President, before you introduce ground troops into Kosovo, you must come to us under the Constitution and ask for our permission.

And the President—I can say this because he said it publicly. The President said, "I didn't want to do something no President has acknowledged that he has to do in a debate with Congress." And I stood up, and I said, "Mr. President, let me respectfully suggest you send the following letter to the House," because I didn't want the vote to turn into the debacle it did. And I suggested the President say the following: "Notwithstanding the fact that I am not required to ask permission, I assure you that I will, in fact, ask the permission of the Congress before I use ground troops, if I make that decision."

That is exactly what I said. And then we got a letter from the President which said essentially that. My purpose was not relating to the Constitution. My purpose was trying to keep the House from doing the thing I found to be imprudent, because I was worried that if they passed the resolution, which in fact they have the authority to do—the Congress—it would send a message to Milosevic and others that we were unwilling to use ground troops if need be.

The President was saying, "I don't want ground troops now." So I said, "The way to settle this, Mr. President, you don't have to give up what you think you're"—you may remember—I said, "Mr. President, I think you do need authority from the Congress if you're going to send ground troops. But you don't have to give that up. You don't have to give up that legal argument. Say, 'Notwithstanding the fact I, the President, don't think I need that, I promise you I will not introduce ground troops before I ask for your permission.'"

That is not a constitutional commitment he is making. It is a personal commitment he is making, as President.

And my purpose, I say to my friend from Virginia, was to keep the House

from voting on that inappropriate resolution ahead of time, the very inappropriate resolution that the Congress introduced and passed. That is why.

Mr. WARNER. To move this along, I want to pick up on a few words. You said, "Mr. President, the way to settle this is to send a letter."

Mr. BIDEN. That is right.

Mr. WARNER. Here is the letter.

I ask unanimous consent to have it printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

BILL CLINTON.

Mr. WARNER. He sent the letter. Why is that, then, the way to settle this as opposed—

Mr. MCCAIN. I have to call for the regular order here. The Senator from Virginia has 10 minutes, and the Senator from Oklahoma and others are waiting. So we have to proceed with the regular order.

Mr. WARNER. Well, this is a time to do that, Senator. I think I am within my time.

The PRESIDING OFFICER. The Senator from Arizona declines to yield further to the Senator from Delaware?

Mr. MCCAIN. I decline to yield.

Mr. BIDEN. I am not seeking recognition.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I will try and summarize.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator still has 11 minutes of the original 15 minutes remaining.

Mr. WARNER. As a courtesy to the managers and the whip, I will not use all that time, but I would like to just finish our colloquy. Because I thought we were making a point, at least I felt

very strongly, the President gave the assurances. And you said the way to settle this—and you wanted it for the House, the letter was sufficient for the House—why wouldn't this letter continue to be sufficient for the Senate? If it is sufficient for one body, it is sufficient for the other body. That is my point.

Mr. BIDEN. Would the Senator like me to answer? I will try to do it quickly.

Mr. WARNER. Put it on my time, Mr. President, so we do not interrupt the distinguished manager from Arizona.

Mr. BIDEN. The House was trying to stop an action. The Senator from Arizona and I are trying to start an action. We are not asking for the President's permission. We are trying to encourage the President to use all the persuasion available to him with our NATO allies to let him, the President, know and our NATO allies know—

Mr. WARNER. You are encroaching beyond the minute or two.

Mr. BIDEN. That is my answer. They are trying to stop; we are trying to start. It is a different issue.

Mr. WARNER. I simply say, with great respect to both you and Senator MCCAIN, this does not grant the President of the United States one single bit of authority that he does not possess at this moment and that every President of the United States has possessed from the beginning of this great Republic. And, therefore, I fear that this could be a hollow message. It could be misunderstood, not only in the United States, but in the other 18 nations that are allied with us; my point being, the success thus far has been the ability—and, indeed, this President has been active, as have other heads of state—in keeping 19 nations solidly together to pursue this military action.

And my concern is, if the Senate were to take a resolution like this, does that not say to the other nations, the 18, "Well, go to your legislatures. And similarly, don't you have a responsibility comparable to what we have in the United States of America?"

And, Senator, I say this respectfully to my colleague from Delaware, that other nations of that 18 group, their legislatures might well not act favorably on such a piece of legislation, and begin to start a fracturing of the solidarity of the NATO group.

That is my great concern, Mr. President. Therefore, I feel that it is just most unwise. And I shall vote against it. I really salute the Senator from Arizona, as well as my colleague from Delaware, because I believe their steadfast stance on this gave backbone to NATO to begin to at least dust off the plans to look at the introduction of ground forces, both under a permissive and nonpermissive situation.

I ask unanimous consent to have printed in the RECORD remarks that I

made as chairman of the Armed Services Committee when the Secretary of Defense and the Chairman of the Joint Chiefs were before our committee, urging them to do just that.

That was weeks ago, before and during the course of the summit the Secretary General announced they would take that step.

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

STATEMENT OF SENATOR WARNER—KOSOVO
HEARING—APRIL 15, 1999

I start this morning by expressing my deepest regret for the loss of innocent civilian lives—both Kosovar Albanian and Serbian—in this conflict. I know our forces have done their best to avoid such collateral damage.

I welcome our witnesses this morning and note that this is the first public hearing before the Congress on the situation in Kosovo since NATO began its military operation on March 24. I thank you, Secretary Cohen and General Shelton, for your willingness to testify on this crucial issue.

Since military operations began, the Armed Services Committee has convened 5 closed briefings for Senators on developments in Kosovo. I thank our witnesses for providing officials to testify at those sessions. Today, the American public will witness the first real public debate between Administration officials and Members of Congress on this issue. It is important that the American people have an opportunity to see such an exchange of views. We have a duty to keep our citizens well informed as our men and women in uniform are in harms way.

As we meet this morning, the NATO air operation against the Federal Republic of Yugoslavia—Operation Allied Force—is entering its fourth week. I was, and continue to be, a supporter of air strikes against Milosevic's military machine. We must see this air campaign through.

However, I have always believed that all options should have been left on the table, including the planning necessary to keep in place a ground option. By taking it off the table, the wrong signal could have been sent to Milosevic.

In the meantime, I believe that positioning NATO ground forces in key locations on Yugoslavia's Serbian border—as is being done now on a small scale—could limit Milosevic's freedom in the disposition of his ground forces and, together with the air campaign, force him to prepare for a possible ground attack by NATO forces. NATO should begin now to move heavy equipment into the region, within striking distance of Yugoslavia, both to threaten Milosevic and to lend protection to countries such as Albania which are now threatened by Milosevic's troops. The decision to use NATO forces to attack Yugoslav troops on the ground in Kosovo could be made later—but the deterrent effect of placing these forces in the region would be, I believe, substantial.

Since last September when I traveled to Kosovo and Macedonia, I have advocated the use of U.S. ground troops in Kosovo as a stabilizing force to allow the various humanitarian organizations to assist the Kosovar Albanians who, at that time, had been forced into the hills by the brutal actions of Milosevic. And I supported the use of U.S. ground troops to implement the peace agreement which was under consideration at Rambouillet.

There have been calls in Congress for a vote on legislation authorizing the President to use "all necessary means" to accomplish our objectives in Kosovo. The leadership of both the Senate and the House have decided that such legislation should not be considered this week. That gives all Members the time to gather the necessary information on what it would take to engage in a ground war against Yugoslavia. We need the facts. What would be the basic parameters of such a ground force—the size, type of forces and equipment required, duration of the mission and exit strategy for such an operation? A NATO assessment last summer estimated that it might require 200,000 troops for NATO to fight its way into Kosovo—and win. Is that estimate still valid, or has it changed since the air strikes and Milosevic's intensive military operations in Kosovo began? It is imperative for Senators to have this information before we are called upon to vote to authorize the use of ground troops against Yugoslavia.

It is my hope that we will continue to gather that vital information today, for the Senate, for the American people.

This hearing will also address future NATO strategy as we approach the 50th anniversary Summit. In my view, the most important issue to be discussed at that Summit is a revised Strategic Concept for NATO—the document that spells out the future Strategy and mission of the Alliance. I have recently written to the President urging him NOT to adopt a final version of a new Strategic Concept at the upcoming Summit in Washington, given the uncertainty of events in Kosovo.

The United States and our NATO allies will have many "lessons learned" to assess from the Kosovo operation—lessons which will be a pivotal part of any future Strategic Concept for NATO. If NATO is to continue to conduct such "out of area" military operations in defense of "common interests" in the future, we had better take the time to carefully evaluate the Kosovo experience and incorporate the "lessons learned" into any future strategy and doctrine for the Alliance. NATO is simply too important for us to proceed in haste on this key issue.

Mr. WARNER. I am likewise concerned about consultation. The Senate and the House—the Congress—work very hard with this President, as they have with other Presidents, to get consultation on these key questions of our national security and foreign policy.

Were we to pass this, coupled with what I predict will be a strong vote for the emergency supplemental, indeed, the President's advisers might say, "We've got whatever we need now. Let's go about this. And we need not have the consultation."

We have had extensive consultation in the course of this very difficult military action, and that consultation has enabled this Senator—sometimes there were 30 other Members of Congress up with the President working in consultation for not just 15 or 20 minutes or a half-hour but hours on end.

I commend the President for sitting there very patiently and entering into a strong colloquy and exchange of views throughout that consultation.

We might well lose consultation. We will send out a message that could be misinterpreted. And, indeed, we could

cast an affirmative responsibility on other legislatures which could cause a fracture and a breakdown of the 19 NATO nations standing together.

So, Mr. President, I commend my two colleagues. This has been a good debate. It is going to go on for a while. We owe a great deal to both of you and others who wanted to have this debate. I think it has been a good one. I am pleased to have been a part of it.

I yield the floor.

Mr. MCCAIN. Mr. President, I thank Senator WARNER for his always insightful and well-thought-out debate and discussion. We appreciate his outstanding work as chairman of the Senate Armed Services Committee.

The Senator from Oklahoma is recognized for 20 minutes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague, Senator MCCAIN, for recognizing me, and I also compliment him for his leadership, although I oppose the resolution that is before us. I also wish to compliment Senator WARNER for his comments. And I agree with his comments. I think we have had some good debate. I think it is an important debate.

I have heard many things on both sides of the issues. I happen to concur with a lot of the statements that some of the proponents have made on this resolution. I just disagree with its conclusion. I think it is going to be interpreted, this resolution, as a blank check for the President to do whatever is necessary to win in Kosovo, whatever that means.

"If you win, you are going to own Kosovo." Are you going to occupy Kosovo? Maybe Kosovo is second prize; first prize will be Serbia. And then we get to run Serbia. I do not think we want to do that. I think it would be a mistake.

I stated on the floor, prior to the bombing resolution, that I thought it was a mistake. And I think it really kind of resulted as a failure in diplomatic effort.

As a matter of fact, I think the diplomatic mission in this area has been a disaster. Unfortunately, it has resulted in a humanitarian disaster.

Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. I thank the Chair.

I want to go through a little bit of the chronology to show, at least in my opinion, how we got into the bombing campaign, because what this resolution is kind of implying is, well, the bombing campaign is not working. And we call it a campaign because the polls don't like the word "war."

It is interesting, I was with some of our colleagues, and we went to the Kosovo region into the Balkans. We talked to our military planners. They

use the word "war." But the politicians do not use the word "war." It doesn't poll very well. People don't like war. So this is called an air campaign. This is a mission.

I disagree with that terminology. How did we get into the air campaign? How did we get into this air war?

I want to go through several statements, because, as I mentioned in my opening comment, I think this has been a diplomatic disaster that has led to a humanitarian disaster. It is not working, and some people are saying, let's double the ante again. Let's throw in troops now and then maybe we can win.

I do not think that would be the result. I want to win, but I question, what is winning? Are we going to have a NATO presence, a U.S. presence in Kosovo forever? Are we going to go all the way into Serbia and occupy Belgrade and take Milosevic out and have him tried as a war criminal? He is a criminal. He is a thug. I have met with him. He doesn't tell the truth. He is responsible for a lot of serious atrocities, and he should be punished. But something tells me this body is not going to say, let's mount up 250,000 or 300,000 troops so we can invade Serbia and occupy Serbia and go door to door at the expense of that. So I just mention that.

Let me go through a little chronology of how we got into the bombing campaign as classified by the State Department. Just to put this in context, we started bombing on March 24. The Senate voted on March 23.

This is from the New York Times on February 19:

As the deadline neared for a settlement in the Kosovo peace talks, the military and diplomatic pressure mounted today on President Slobodan Milosevic of Yugoslavia to choose between tolerating NATO-led peacekeepers in Kosovo or suffering NATO air strikes for refusing them.

Secretary of State Madeleine K. Albright said she had again spelled out the choice in a telephone call to the Yugoslav leader and that she would return Saturday to the talks, which she visited last week.

That was on February 19th. February 20th:

President Clinton warned President Slobodan Milosevic of Yugoslavia today not to "stonewall" a peace settlement in Kosovo and threatened to bomb Serbia if Mr. Milosevic missed the Saturday deadline for an end to the peace talks.

So we are threatening bombing. "Mr. Clinton said the two NATO allies"—in this case, he is talking about President Chirac of France—stood "united in our determination to use force if Serbia fails to meet its previous commitment to withdraw forces from Kosovo and if it fails to accept the peace agreement."

I will talk about the peace agreement in a moment.

He also says, this is President Clinton, "I don't think there is an option other than NATO airstrikes." This was in the New York Times, February 20th.

Also February 20th, Secretary of State Madeleine Albright says, at a press conference:

Let me stress that we expect nothing less than a complete interim agreement, including Belgrade's acceptance of a NATO-led force and a civilian mission building on OSCE's Kosovo Verification Mission. Until the parties have accepted all provisions of the agreement, preparations for NATO military action will continue and if that agreement is not confirmed by Tuesday, Secretary General Solana will draw the appropriate conclusions.

i.e., the bombing will begin. It is also interesting that on February 21 she says, according to the New York Times, "If this fails because both sides say 'no,' there will be no bombing of Serbia." Mrs. Albright said that on February 21, as Rambouillet talks were winding down.

It is also interesting to note that 2 days after Rambouillet ended, the European Union envoy to the talks, Mr. Petritsch, said, "the Yugoslav President decided he was not going to accept NATO troops—and mustered his own forces and propaganda to prepare for this military showdown."

It is also interesting to note in this same article, it says, in a meeting with Italy's new Prime Minister in the Oval Office with the President on March 5, Mr. Clinton said Mr. Milosevic had "accepted almost everything," according to Italian officials, except for the international peacekeeping force. I added that comment. That wasn't in the quote, but that is what he had not accepted.

This individual was skeptical. He asked the President, what was the plan if there was no deal and NATO airstrikes failed to subdue the Serbian leader. The result, he said, would be 300,000 to 400,000 refugees passing into Albania and crossing the Adriatic into Italy.

"What will happen then," Mr. D'Alema wanted to know, according to the Italian officials. Mr. Clinton looked at Mr. Berger for guidance; that is, Sandy Berger. "NATO will keep bombing," Mr. Berger replied. After Rambouillet fell apart, a follow-up conference was called in Paris 3 weeks later. While the world waited, Mr. Milosevic continued to build up his forces in and around Kosovo.

A defining moment came on March 18 at the International Conference Center on the Avenue Kleber in Paris. To polite applause, four ethnic Albanian delegates signed the peace plan that would give their people broad autonomy for a three-year interim period. The Serbs did not sign. That paved the way to airstrikes.

Ms. Albright said that setting up a deal signed only by one side was a crucial step forward. "Signing Rambouillet was crucial in getting Europeans two things," she said. "Getting them to agree to the use of force and getting the Albanians on the side of this kind of a settlement."

February 23, this is, again, Secretary Albright talking about Rambouillet.

Rambouillet talks to a close. The Kosovo Albanians have requested two weeks for consideration. Belgrade must be ready to move by then as well, or prepare to face the consequences. This period of reflection should not be taken by either side as an excuse for military activities on the ground. We're particularly concerned by recent movements of Serb forces and harassment of members of the Kosovo Verification Mission. The mission's security must be assured, and there should be no doubt that NATO's January 30th decision permitting Secretary Solana to authorize airstrikes remains in force. We also call on the Kosovo Liberation Army to refrain from provocations.

So there is a 2- or 3-week period for the Kosovo representative to consider this negotiation.

March 15, this is in the New York Times:

A massacre in the Kosovo village of Racak of more than 40 ethnic Albanians by Serbian forces in January spurred the current efforts of Ms. Albright to persuade NATO to authorize air strikes against the Serbs if they reject a settlement.

So there was a massacre, according to this press report, of 40 people who were killed in January. That led to this effort to use military force in a bombing campaign.

March 18, again, this is Secretary Albright, State Department:

So the situation is as clear as it could be. The Albanians have said yes to the accords and the Serbs are saying no. At the same time, Belgrade's security forces are stepping up their unjustified and aggressive actions in Kosovo and if Belgrade doesn't reverse course, the Serbs alone will be responsible for the consequences.

The war drums are rattling. This is March 19, a few days before the bombing commences. This is also in the New York Times.

With the Kosovo talks at a dead end, and the Yugoslav leader more recalcitrant than ever, the Clinton Administration was publicly pushing the threat of airstrikes today, but officials said they have no option but diplomacy, at least for another week.

Instead of responding to the threats, Mr. Milosevic has moved in the opposite direction, building up his troops in Kosovo to such an extent there are now deep concerns over whether the 1,400 international monitors in Kosovo can leave safely before his troops trap them by sealing their exit route.

Also in the same article it says, "American military is warning that airstrikes may not be easy."

March 22, a couple of days before the bombing campaign begins.

Secretary of State Madeleine Albright said that Holbrooke would warn Milosevic that the NATO allies are preparing comprehensive missile and bombing strikes that could devastate much of his military infrastructure. "He will make clear that Milosevic faces a stark choice: to halt aggression against the Kosovar Albanians and accept an interim agreement with a NATO-led implementation force, or bear the full responsibility for NATO military action."

This is just a couple days before, the night before bombing began, on March 23, on Larry King's program. Mr. King asked Secretary Albright:

Is there a timeframe here, Madam Secretary? Like you are going to keep this up for 3, 4 days, let us know by Saturday? Is there a plan?

Secretary Albright:

Well, again I am not going to reveal the operation time line, this is a very well-thought-out military mission. I think it would be a mistake. You wouldn't want me to give the details here so that President Milosevic could hear everything that is going on. But it is going to be a sustained attack, and it is not going to go on for an overly long time.

Then she continues and says: "No, I mean what we have said. Ambassador Holbrooke said to him"—talking about Milosevic—"he had an opportunity to accept accords signed by the Kosovar Albanians in Paris and have a peace agreement. He had an opportunity also to stop the fighting. Ambassador Holbrooke told him that if he did not do that, there would be very serious consequences. He has not accepted those two threshold objectives and, therefore, he knows there are now serious consequences."

The next day the bombing began. I might mention that Secretary Albright said, "We are very well prepared. This is a well-thought-out campaign." I just take issue with that.

I am not going to say I told you so, but on the debate we had on March 23, the day before the bombing campaign commenced, I made a speech. On the floor of the Senate, I urged colleagues to vote no because I said I was afraid it would be a mistake. I said—and history has proven—that bombing alone doesn't work. The President has said we are only going to bomb and not use ground troops. Then, I also said that I was afraid it might make things worse. Instead of stopping atrocities, it may turn a guerrilla war into an all-out war. I am afraid that is what has happened. I think we had a diplomatic failure and, as a result, now we have a humanitarian disaster, a catastrophe.

I was in Kosovo a week or so ago with some colleagues and I saw some of these refugee camps. There are 600,000-plus people who are now outside of Kosovo, driven away from their homes—in my opinion, because of a diplomatic disaster. We turned a guerrilla war into a real war. We started the bombing campaign, and I stated this on the floor of the Senate before the bombing started. I said:

Mr. Milosevic, instead of his response being to move back into greater Serbia away from Kosovo, moving his forces out, he may be more assertive and aggressive, and he may want to strike out against the U.S. airplanes that are flying. He might find that unsuccessful. He might have no success against our pilots and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking out where he can have results on the ground. So by initiating the bombing instead of bringing stability, we may bring instability. We may be igniting a tinderbox that has been very, very explosive for a long time.

I am afraid that is what happened. The bombing campaign has made things worse. I am afraid if we go in and say let's use all necessary force, send in 300,000 troops, we may make things worse. I don't want to compound a past mistake that was a mistake, in my opinion, diplomatically as well as a mistake now through the air campaign, and certainly has turned into a humanitarian disaster. I don't want to further compound that.

Again, when I read the resolution it says to accomplish NATO objectives—we are going to use all necessary force and other means to accomplish United States and North Atlantic treaty objectives with the Federal Republic of Yugoslavia.

I have the Rambouillet agreement. I wonder how many colleagues have read this thing. I urge you to do it. It is 44 pages.

I am looking at some of the comments or statements made in this Rambouillet accord. They said, "We negotiated and Mr. Milosevic would not sign this accord." I will read one paragraph. I brought this to the President's attention last week, and Secretary Albright said: Mr. Milosevic would not even talk to us about an international peacekeeping force. In one paragraph, we were insisting that if he didn't comply, we were going to bomb him. On page 41, paragraph 8 of the appendix B, it says this, talking about the NATO force—and some people say let's give NATO all necessary force. This is one of the things about which we said we are going to bomb you if you don't sign:

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the Federal Republic of Yugoslavia, including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

Basically, it says NATO gets to occupy not only Kosovo but Serbia as well. Isn't that interesting? I brought that to the President's attention. I don't know if he knew that was in there. I kind of doubt it. Secretary Albright almost acted taken aback. "What are you doing reading the Rambouillet agreement?" This is what we were saying he has to sign, or else "we are going to bomb you." I think that is diplomacy failure. It has led to a bombing campaign. We threatened that we were going to bomb and now our credibility is at stake. I have heard that time and time again.

I want NATO to be credible, but for crying out loud, when you are so arrogant to say here is our wisdom, here is this accord, we determined this is in your best interest and you must sign it or else we are going to bomb you—I stated in my speech on the bombing resolution that I don't think you can

bomb a country into submission or into signing an agreement. I doubted then that Mr. Milosevic, after the bombs were going to fall, was going to raise the white flag and say: Now I see the wisdom. That didn't happen in Bosnia. It got his attention in Bosnia. In fact, the Croatian army was ethnically cleansing their own, and he was losing the war. He decided to be more interested in a peace agreement.

I think Rambouillet was a diplomatic disaster and a failure and to say, OK, well, we tried to bomb them into agreeing to this, but I don't think that is going to work; maybe now we should use ground forces so they can sign onto NATO objectives. I think it is a mistake. What should we do? I don't want to just complain, but I think this is a disaster. If you had seen the refugee camps, you would know it is a disaster. There were several hundred thousand people. Senator MCCAIN pointed out that it is not just the several hundred thousand people who are outside of Kosovo and Albania and Macedonia, but the hundreds of thousands who are displaced inside of Kosovo. What should we do? I have heard several people in the administration say that he must withdraw forces and accept this international peacekeeping force, and if he stops all the aggression, then we will stop the bombing.

Mr. President, I think we need to have two or three things happen simultaneously. He needs to get his aggressive forces out. We need to have an international peacekeeping force to protect the returning refugees allowed back in. And simultaneously with that, we need to stop the bombing. We need to do all of them simultaneously.

The big difference I can see going on now is the negotiation of who should compose the international peacekeeping force. I heard Secretary Cohen say, and I have read time and time again, that it must be NATO-led or a NATO corps. They are talking about U.S. participation. I think our objective should not be so much just what is the composition of the peacekeepers; it should be to keep the Kosovars safe and sound and return them back to their homes. Those people are living in terrible conditions, living in tents. They have absolutely nothing to do. They are waiting hours to pick up food. They have to wait for a long time to use the restroom facilities—latrines would be a more accurate description. It is not a pretty sight.

In the first place, I want to compliment many of the international relief agencies that are doing a miraculous job. They have a very difficult, if not impossible, job.

Mr. President, I think we need a very aggressive diplomatic effort. I don't think this is a situation where one says, "Well, let's just double up our military forces; well, if the bombing sorties"—and we are running so many

thousands of these bombing sorties—"that is not working; let's throw in another three or four hundred planes, double up the bombing; let's get ready to have ground troop invasion into Kosovo, into Serbia." I don't think that is the solution. I think we need a diplomatic solution.

I believe I heard Strobe Talbott, Under Secretary of State, yesterday say we are not negotiating. I almost fell off my chair when he said that. Obviously, Jesse Jackson did some negotiation. I want this administration to be negotiating. They need to be negotiating aggressively to save lives, to minimize the human disaster, the humanitarian disaster, the diplomatic disaster. Let's do everything we can to allow the Kosovars to return safely as soon as possible—hopefully as soon as possible under the guise of an international peacekeeping force. And it can be with NATO participation. It can be U.N. led. It can be the Organization for Security and Cooperation in Europe. But let's make it happen, and make it happen soon.

Mr. President, I urge my colleagues to vote "no" on this resolution tomorrow.

Again, my compliments to the sponsor of the resolution. I think this debate is important. He was requesting the debate, and I think we have had an excellent debate as well.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of the Rambouillet Agreement. It is 44 pages long.

Consistent with the Standing Rules of the Senate, I ask unanimous consent that the text be printed in the CONGRESSIONAL RECORD. The cost of printing the text will total \$3,758.

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

RAMBOUILLET AGREEMENT—INTERIM AGREEMENT FOR PEACE AND SELF-GOVERNMENT IN KOSOVO

The Parties of the present Agreement,
Convinced of the need for a peaceful and political solution in Kosovo as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosovo,

Reaffirming their commitment to the Purposes and Principles of the United Nations, as well as to OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic Clements/principles adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,
Recognizing the need for democratic self-government in Kosovo, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosovo, as well as the rights of the members of all national communities, *Recognizing* the ongoing contribution of the OSCE to peace and stability in Kosovo,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

FRAMEWORK

ARTICLE I: PRINCIPLES

1. All citizens in Kosovo shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.

3. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosovo shall have the right to democratic self-government through legislative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosovo. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosovo may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosovo shall have all rights and powers set forth herein, including in particular as specified in the Constitution at Chapter 1. This Agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement.

7. The Parties agree to cooperate fully with all international organizations working in Kosovo on the implementation of this Agreement.

ARTICLE II: CONFIDENCE-BUILDING MEASURES END OF USE OF FORCE

1. Use of force in Kosovo shall cease immediately. In accordance with this Agreement, alleged violations of the cease-fire shall be reported to international observers and shall not be used to justify use of force in response.

2. The status of police and security forces in Kosovo, including withdrawal of forces, shall be governed by the items of this Agreement. Paramilitary and irregular forces in Kosovo are incompatible with the terms of this Agreement.

RETURN

3. The Parties recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of per-

sons, including issuing necessary documents. All persons shall have the right to reoccupy their real property, asset their occupancy rights in state-owned property, and recover their other property and personal possessions. The Parties shall take all measures necessary to readmit returning persons to Kosovo.

4. The Parties shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees (UNHCR) and other international and non-governmental organizations concerning the repatriation and return of persons, including those organizations monitoring of the treatment of persons following their return.

ACCESS FOR INTERNATIONAL ASSISTANCE

5. There shall be no impediments to the normal flow of goods into Kosovo, including materials for the reconstruction of homes and structures. The Federal Republic of Yugoslavia shall not require visas, customs, or licensing for persons or things for the Implementation Mission (IM), the UNHCR, and other international organizations, as well as for non-governmental organizations working in Kosovo as determined by the Chief of the Implementation Mission (CIM).

6. All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosovo population for purposes of international assistance. All persons in Kosovo shall similarly have safe, unhindered, and direct access to the staff of such organizations.

OTHER ISSUES

7. Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo. Such decisions, if any, shall be void with regard to Kosovo.

8. Martial law shall not be declared in Kosovo.

9. The Parties shall immediately comply with all requests for support from the Implementation Mission (IM). The IM shall have its own broadcast frequencies for radio and television programming in Kosovo. The Federal Republic of Yugoslavia shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid to Kosovo.

DETENTION OF COMBATANTS AND JUSTICE ISSUES

10. All abducted persons or other persons held without charge shall be released. The Parties shall also release and transfer in accordance with this Agreement all persons held in connection with the conflict. The Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

11. The Parties shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC and the International Commission on Missing Persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

12. Each Party:

(a) shall not prosecute anyone for crimes related to the conflict in Kosovo, except for persons accused of having committed serious violations of international humanitarian

law. In order to facilitate transparency, the Parties shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards.

13. All Parties shall comply with their obligation to cooperate in the investigation and prosecution of serious violations of international humanitarian law.

(a) As required by United Nations Security Council resolution 827 (1993) and subsequent resolutions, the Parties shall fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in its investigations and prosecutions, including complying with its requests for assistance and its orders.

(b) The Parties shall also allow complete, unimpeded, and unfettered access to international experts—including forensics experts and investigators to investigate allegations of serious violations of international humanitarian law.

INDEPENDENT MEDIA

14. Recognizing the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosovo, the Parties shall ensure the widest possible press freedoms in Kosovo in all media, public and private, including print, television, radio, and Internet.

CHAPTER 1

CONSTITUTION

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the quality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosovo are necessary for the harmonious development of a peaceful society,

Desiring through this interim Constitution to establish institutions of democratic self-government in Kosovo grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosovo should fairly represent the national communities in Kosovo and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/basic elements adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

ARTICLE I: PRINCIPLES OF DEMOCRATIC SELF-GOVERNMENT IN KOSOVO

1. Kosovo shall govern itself democratically through the legislative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosovo shall exercise their authorities consistent with the terms of this Agreement.

2. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

3. The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity, (b) maintaining a common market within the

Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement.

4. The Republic of Serbia shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections.

5. Citizens in Kosovo may continue to participate in areas in which the Federal Republic of Yugoslavia and the Republic of Serbia have competence through their representation in relevant institutions, without prejudice to the exercise of competence by Kosovo authorities set forth in this Agreement.

6. With respect to Kosovo:

(a) There shall be no changes to the borders of Kosovo;

(b) Deployment and use of police and security forces shall be governed by Chapters 2 and 7 of this Agreement; and

(c) Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under Article 7 of the Constitution of the Federal Republic of Yugoslavia.

7. There shall be no interference with the right of citizens and national communities in Kosovo to call upon appropriate institutions of the Republic of Serbia for the following purposes:

(a) assistance in designing school curricula and standards;

(b) participation in social benefits programs, such as care for war veterans, pensioners, and disabled persons; and

(c) other voluntarily received services, provided that these services are not related to police and security matters governed by Chapters 2 and 7 of this Agreement, and that any Republic personnel serving in Kosovo pursuant to this paragraph shall be unarmed service providers acting at the invitation of a national community in Kosovo.

The Republic shall have the authority to levy taxes or charges on those citizens requesting services pursuant to this paragraph, as necessary to support the provision of such services.

8. The basic territorial unit of local self-government in Kosovo shall be the commune. All responsibilities in Kosovo not expressly assigned elsewhere shall be the responsibility of the communes.

9. To preserve and promote democratic self-government in Kosovo, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

(a) No person who is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any office; and

(b) All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political or resistance activities shall not be a bar to holding office in Kosovo.

ARTICLE II; THE ASSEMBLY GENERAL

1. Kosovo shall have an Assembly, which shall be comprised of 120 Members.

(a) Eighty Members shall be directly elected.

(b) A further 40 Members shall be elected by the members of qualifying national communities.

(i) Communities whose members constitute more than 0.5 per cent of the Kosovo popu-

lation but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.

(ii) Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seat equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold.

OTHER PROVISIONS

2. Elections for all Members shall be conducted democratically, consistent with the provisions of Chapter 3 of this Agreement. Members shall be elected for a term of three years.

3. Allocation of seats in the Assembly shall be based on data gathered in the census referred to in Chapter 5 of this Agreement. Prior to the completion of the census, for purposes of this Article declarations of national community membership made during voter registration shall be used to determine the percentage of the Kosovo population that each national community represents.

4. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of words expressed or other acts performed in their capacity as Members of the Assembly.

POWERS OF THE ASSEMBLY

5. The Assembly shall be responsible for enacting laws of Kosovo, including in political, security, economic, social, educational, scientific, and cultural areas as set out below and elsewhere in this Agreement. This Constitution and the laws of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republic or the Federation.

(a) The Assembly shall be responsible for:

(i) Financing activities of Kosovo institutions, including by levying taxes and duties on sources within Kosovo;

(ii) Adopting budgets of the Administrative organs and other institutions of Kosovo, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative Organs of Kosovo;

(iv) Approving the list of Ministers of the Government, including the Prime Minister;

(v) Coordinating educational arrangements in Kosovo, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Kosovo;

(vii) Enacting laws ensuring free movement of goods, services, and persons in Kosovo consistent with this Agreement;

(viii) Approving agreements concluded by the President within the areas of responsibility of Kosovo;

(ix) Cooperating with the Federal Assembly, and with the Assemblies of the Republics, and conducting relations with foreign legislative bodies;

(x) Establishing a framework for local self-government;

(xi) Enacting laws concerning inter-communal issues and relations between national communities, when necessary;

(xii) Enacting laws regulating the work of medical institutions and hospitals;

(xiii) Protecting the environment, where inter-communal issues are involved;

(xiv) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xv) Adopting programs for the development of agriculture and of rural areas;

(xvi) Regulating elections consistent with Chapters 3 and 5;

(xvii) Regulating Kosovo-owned property; and

(xviii) Regulating land registries.

(b) The Assembly shall also have authority to enact laws in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes. In the absence of a law enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

PROCEDURE

6. Laws and other decisions of the Assembly shall be adopted by majority of Members present and voting.

7. A majority of the Members of a single national community elected to the Assembly pursuant to paragraph 1(b) may adopt a motion that a law or other decision adversely affects the vital interests of their national community. The challenged law or decision shall be suspended with regard to that national community until the dispute settlement procedure in paragraph 8 is completed.

8. The following procedure shall be used in the event of a motion under paragraph 7:

(a) The Members making the vital interest motion shall give reasons for their motion. The proposers of the legislation shall be given an opportunity to respond.

(b) The Members making the motion shall appoint within one day a mediator of their choice to assist in reaching an agreement with those proposing the legislation.

(c) If mediation does not produce an agreement within seven days, the matter may be submitted for a binding ruling. The decision shall be rendered by a panel comprising three Members of the Assembly: one Albanian and one Serb, each appointed by his or her national community delegation; and a third Member, who will be of a third nationality and will be selected within two days by consensus of the Presidency of the Assembly.

(i) A vital interest motion shall be upheld if the legislation challenged adversely affects the community's fundamental constitutional rights, additional rights as set forth in Article VII, or the principle of fair treatment.

(ii) If the motion is not upheld, the challenged legislation shall enter into force for that community.

(d) Paragraph (c) shall not apply to the selection of Assembly officials.

(e) The Assembly may exclude other decisions from this procedure by means of a law enacted by a majority that includes a majority of each national community elected pursuant to paragraph 1(b).

9. A majority of the Members shall constitute a quorum. The Assembly shall otherwise decide its own rules of procedure.

LEADERSHIP

10. The Assembly shall elect from among its Members a Presidency, which shall consist of a President, two Vice-Presidents, and other leaders in accordance with the Assembly's rules of procedure. Each national community meeting the threshold specified in paragraph 1(b)(ii) shall be represented in the leadership. The President of the Assembly shall not be from the same national community as the President of Kosovo.

The President of the Assembly shall represent it, call its sessions to order, chair its meetings, coordinate the work of any committees it may establish, and perform other tasks prescribed by the rules of procedure of the Assembly.

ARTICLE III: PRESIDENT OF KOSOVO

1. There shall be a President of Kosovo, who shall be elected by the Assembly by vote of a majority of its Members. The President of Kosovo shall serve for a three-year term. No person may serve more than two terms as President of Kosovo.

2. The President of Kosovo shall be responsible for:

(i) Representing Kosovo, including before any international or Federal body or any body of the Republics;

(ii) Proposing to the Assembly candidates for Prime Minister, the Constitutional Court, the Supreme Court, and other Kosovo judicial offices;

(iii) Meeting regularly with the democratically elected representatives of the national communities;

(iv) Conducting foreign relations and concluding agreements within this power consistent with the authorities of Kosovo institutions under this Agreement. Such agreements shall only enter into force upon approval by the Assembly;

(v) Designating a representative to serve on the Joint Commission established by Article 1.2 of Chapter 5 of this Agreement;

(vi) Meeting regularly with the Federal and Republic Presidents; and

(vii) Other functions specified herein or by law.

ARTICLE IV: GOVERNMENT AND ADMINISTRATIVE ORGANS

1. Executive power shall be exercised by the Government. The Government shall be responsible for implementing the laws of Kosovo, and of other government authorities when such responsibilities are devolved by those authorities. The Government shall also have competence to propose laws to the Assembly.

(a) The Government shall consist of a Prime Minister and Ministers, including at least one person from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Ministers shall head the Administrative Organs of Kosovo.

(b) The candidate for Prime Minister proposed by the President shall put forward a list of Ministers to the Assembly. The Prime Minister, together with the list of Ministers, shall be approved by the majority of those present and voting in the Assembly. In the event that the Prime Minister is not able to obtain a majority for the Government, the President shall propose a new candidate for Prime Minister within ten days.

(c) The Government shall resign if a no confidence motion is adopted by a vote of a majority of the members of the Assembly. If the Prime Minister or the Government resigns, the President shall select a new candidate for Prime Minister who shall seek to form a Government.

(d) The Prime Minister shall call meetings of the Government, represent it as appropriate, and coordinate its work. Decisions of the Government shall require a majority of Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are equally divided. The Government shall otherwise decide its own rules of procedure.

2. Administrative Organs shall be responsible for assisting the Government in carrying out its duties.

(a) National communities shall be fairly represented at all levels in the Administrative Organs.

(b) Any citizen in Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review

of the legality of that decision that exhausts all avenues for administrative review. The Assembly shall enact a law to regulate this review.

3. There shall be a Chief Prosecutor who shall be responsible for prosecuting individuals who violate the criminal laws of Kosovo. He shall head an Office of the Prosecutor, which shall at all levels have staff representative of the population of Kosovo.

ARTICLE V: JUDICIARY

GENERAL

1. Kosovo shall have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts.

2. The Kosovo courts shall have jurisdiction over all matters arising under this Constitution or the laws of Kosovo except as specified in paragraph 3. The Kosovo courts shall also have jurisdiction over questions of federal law, subject to appeal to the Federal courts on these questions after all appeals available under the Kosovo system have been exhausted.

3. Citizens in Kosovo may opt to have civil disputes to which they are party adjudicated by other courts in the Federal Republic of Yugoslavia, which shall apply the law applicable in Kosovo.

4. The following rules will apply to criminal cases:

(a) At the start of criminal proceedings, the defendant is entitled to have his or her trial transferred to another Kosovo court that he or she designates.

(b) In criminal cases in which all defendants and victims are members of the same national community, all members of the judicial council will be from a national community of their choice if any party so requests.

(c) A defendant in a criminal case tried in Kosovo courts is entitled to have at least one member of the judicial council hearing the case to be from his or her national community. Kosovo authorities will consider and allow judges of other courts in the Federal Republic of Yugoslavia to serve as Kosovo judges for these purposes.

CONSTITUTIONAL COURT

5. The Constitutional Court shall consist of nine judges. There shall be at least one Constitutional Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Until such time as the Parties agree to discontinue this arrangement, 5 judges of the Constitutional Court shall be selected from a list drawn up by the President of the European Court of Human Rights.

6. The Constitutional Court shall have authority to resolve disputes relating to the meaning of this Constitution. That authority shall include, but is not limited to, determining whether laws applicable in Kosovo, decisions or acts of the President, the Assembly, the Government, the Communes, and the national communities are compatible with this Constitution.

(a) Matters may be referred to the Constitutional Court by the President of Kosovo, the President or Vice-Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any national community acting according to the democratic procedures.

(b) Any court which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Constitutional Court's jurisdiction shall refer the issue to the Constitutional Court for a preliminary decision.

7. Following the exhaustion of other legal remedies, the Constitutional Court shall at

the request of any person claiming to be victim have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Constitution have been violated by a public authority.

8. The Constitutional Court shall have such other jurisdiction as may be specified elsewhere in this Agreement or by law.

SUPREME COURT

9. The Supreme Court shall consist of nine judges. There shall be at least one Supreme Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II.

10. The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Except as otherwise provided in this Constitution, The Supreme Court shall be the court of final appeal for all cases arising under law applicable in Kosovo. Its decisions shall be recognized and executed by all authorities in the Federal Republic of Yugoslavia.

FUNCTIONING OF THE COURTS

11. The Assembly shall determine the number of District and Communal Court judges necessary to meet current needs.

12. Judges of all courts in Kosovo shall be distinguished jurists of the highest moral character. They shall be broadly representative of the national communities of Kosovo.

13. Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose removal is in question shall not participate in the decision on his case.

14. The Constitutional Court shall adopt rules for itself and for other courts in Kosovo. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members.

15. Except as otherwise specified in their rules, all Kosovo courts shall hold public proceedings. They shall issue published opinions setting forth the reasons for their decisions.

ARTICLE VI: HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. All authorities in Kosovo shall ensure internationally recognized human rights and fundamental freedoms.

2. The right and freedoms set forth in the European Convention for the Protection of Human Right and Fundamental Freedoms and its Protocols shall apply directly in Kosovo. Other internationally recognized human rights instruments enacted into law by the Kosovo Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, governmental institutions, and other public institutions of Kosovo or operating in relation to Kosovo shall conform to these human rights and fundamental freedoms.

ARTICLE VII: NATIONAL COMMUNITIES

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect, through democratic means and in a manner consistent with the principles of Chapter 3 of this Agreement, institutions to administer its affairs in Kosovo.

3. The national communities shall be subject to the laws applicable in Kosovo, provided that any act or decision concerning national communities must be non-discriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.

4. The additional rights of the national communities, acting through their democratically elected institutions, are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

(i) inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbia, consistent with decisions about style made by the communal institutions;

(ii) providing information in the language and alphabet of the national community;

(iii) providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards;

(iv) enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad;

(v) using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

(vi) protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance; family and matrimonial relations; tutorship; and adoption;

(vii) the preservation of sites of religious, historical, or cultural importance to the national community in cooperation with other authorities;

(viii) implementing public health and social services on a non-discriminatory basis as to citizens and national communities;

(ix) operating religious institutions in cooperation with religious authorities; and

(x) participating in regional and international non-governmental organizations in accordance with procedures of these organizations;

(b) be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

(c) finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

5. Members of national communities shall also be individually guaranteed:

(a) the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad;

(b) equal access to employment in public services at all levels;

(c) the right to use their languages and alphabets;

(d) the right to use and display national community symbols;

(e) the right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article; and

(f) the right to establish cultural and religious association, for which relevant authorities will provide financial assistance.

(6) Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

7. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

ARTICLE VIII: COMMUNES

1. Kosovo shall have the existing communes. Changes may be made to communal boundaries by act of the Kosovo Assembly after consultation with the authorities of the communes concerned.

2. Communes may develop relationships among themselves for their mutual benefit.

3. Each commune shall have an Assembly, and Executive Council, and such administrative bodies as the commune may establish.

(a) Each national community whose membership constitutes at least three percent of the population of the commune shall be represented on the Council in proportion to its share of the communal population or by one member, whichever is greater.

(b) Prior to the completion of a census, disputes over communal population percentages for purposes of this paragraph shall be resolved by reference to declarations of national community membership in the voter registry.

4. The communes shall have responsibility for:

(a) law enforcement, as specified in Chapter 2 of this Agreement;

(b) regulating and, when appropriate, providing child care;

(c) providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards;

(d) protecting the communal environment;

(e) regulating commerce and privately-owned stores;

(f) regulating hunting and fishing;

(g) planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo-wide public works projects in coordination with other communes and Kosovo authorities;

(h) regulating land use, town planning, building regulations, and housing construction;

(i) developing programs for tourism, the hotel industry, catering, and sport;

(j) organizing fairs and local markets;

(k) organizing public services of communal importance, including fire, emergency response, and police consistent with Chapter 2 of this Agreement; and

(l) financing the work of communal institutions, including raising revenues, taxes and preparing budgets.

5. The communes shall also have responsibility for all other areas within Kosovo's authority not expressly assigned elsewhere herein, subject to the provisions of Article II.5(b) of this Constitution.

6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

ARTICLE IX: REPRESENTATION

1. Citizens in Kosovo shall have the right to participate in the election of:

(a) At least 10 deputies in the House of Citizens of the Federal Assembly; and

(b) At least 20 deputies in the National Assembly of the Republic of Serbia.

2. The modalities of elections for the deputies specified in paragraph 1 shall be determined by the Federal Republic of Yugoslavia and the Republic of Serbia respectively, under procedures to be agreed with the Chief of the Implementation Mission.

3. The Assembly shall have the opportunity to present to the appropriate authorities a list of candidates from which shall be drawn:

(a) At least one citizen in Kosovo to serve in the Federal Government, and at least one citizen in Kosovo to serve in the Government of the Republic of Serbia; and

(b) At least one judge on the Federal Constitutional Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.

ARTICLE X: AMENDMENT

1. The Assembly may by a majority of two-thirds of its Members, which majority must include a majority of the Members elected from each national community pursuant to Article II.1(b)(ii), adopt amendments to this Constitution.

2. There shall, however, be no amendments to Article I.3-8 or to this Article, nor shall any amendment diminish the rights granted by Articles VI and VII.

ARTICLE XI: ENTRY INTO FORCE

This Constitution shall enter into force upon signature of this Agreement.

CHAPTER 2

POLICE AND CIVIL PUBLIC SECURITY

ARTICLE I: GENERAL PRINCIPLES

1. All law enforcement agencies, organizations and personnel of the Parties, which for purposes of this Chapter will include customs and border police operating in Kosovo, shall act in compliance with this Agreement and shall observe internationally recognized standards of human rights and due process. In exercising their functions, law enforcement personnel shall not discriminate on any ground, such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national community, property, birth or other status.

2. The Parties invite the Organization for Security and Cooperation in Europe (OSCE) through its Implementation Mission (IM) to monitor and supervise implementation of this Chapter and related provisions of this Agreement. The Chief of the Implementation Mission (CIM) or his designee shall have the authority to issue binding directives to the Parties and subsidiary bodies on police and civil public security matters to obtain compliance by the Parties with the terms of this Chapter. The Parties agree to cooperate fully with the IM and to comply with its directives. Personnel assigned to police-related duties within the IM shall be permitted to wear a uniform while serving in this part of the mission.

3. In carrying out his responsibilities, the CIM will inform and consult KFOR as appropriate.

4. The IM shall have the authority to:

(a) Monitor, observe, and inspect law enforcement activities, personnel, and facilities, including border police and customs units, as well as associated judicial organizations, structures, and proceedings;

(b) Advise law enforcement personnel and forces, including border police and customs units, and, when necessary to bring them

into compliance with this Agreement, including this Chapter, issue appropriate binding directions in coordination with KFOR;

(c) Participate in and guide the training of law enforcement personnel;

(d) In coordination with KFOR, assess threats to public order;

(e) Advise and provide guidance to governmental authorities on how to deal with threats to public order and on the organization of effective civilian law enforcement agencies;

(f) Accompany the Parties' law enforcement personnel as they carry out their responsibilities, as the IM deems appropriate;

(g) Dismiss or discipline public security personnel of the Parties for cause; and

(h) Request appropriate law enforcement support from the international community to enable IM to carry out the duties assigned in this Chapter.

5. All Kosovo, Republic and Federal law enforcement and Federal military authorities shall be obligated, in their respective areas of authority, to ensure freedom of movement and safe passage for all persons, vehicles and goods. This obligation includes a duty to permit the unobstructed passage into Kosovo of police equipment which has been approved by the CIM and COMKFOR for use by Kosovo police, and of any other support provided under subparagraph 4(h) above.

6. The Parties undertake to provide one another mutual assistance, when requested, in the surrender of those accused of committing criminal acts within a Party's jurisdiction, and in the investigation and prosecution of offenses across the boundary of Kosovo with other parts of the FRY. The Parties shall develop agreed procedures and mechanisms for responding to these requests. The CIM or his designee shall resolve disputes on these matters.

7. The IM shall aim to transfer law enforcement responsibilities described in Article II below to the law enforcement officials and organizations described in Article II at the earliest practical time consistent with civil public security.

ARTICLE II: COMMUNAL POLICE

1. As they build up, communal police units, organized and stationed at the communal and municipal levels, shall assume primary responsibility for law enforcement in Kosovo. The specific responsibilities of the communal police will include police patrols and crime prevention, criminal investigations, arrest and detention of criminal suspects, crowd control, and traffic control.

2. *Number and Composition.* The total number of communal police established by this Agreement operating within Kosovo shall not exceed 3,000 active duty law enforcement officers. However, the CIM shall have the authority to increase or decrease this personnel ceiling if he determines such action is necessary to meet operational needs. Prior to taking any such action, the CIM shall consult with the Criminal Justice Administration and other officials as appropriate. The national communities in each commune shall be fairly represented in the communal police unit.

3. *Criminal Justice Administration.*

a. A Criminal Justice Administration (CJA) shall be established. It shall be an Administrative Organ of Kosovo, reporting to an appropriate member of the Government of Kosovo as determined by the Government. The CJA shall provide general coordination of law enforcement operations in Kosovo. Specific functions of the CJA shall include general supervision over, and providing guidance to, communal police forces through

their commanders, assisting in the coordination between separate communal police forces, and oversight of the operations of the police academy. In carrying out these responsibilities, the CJA may issue directives, which shall be binding on communal police commanders and personnel. In the exercise of its functions, the CJA shall be subject to any directions given by CIM.

b. Within twelve months of the establishment of the CJA, the CJA shall submit for review by the CIM a plan for the coordination and development of law enforcement bodies and personnel in Kosovo within its jurisdiction. This plan shall serve as the framework for law enforcement coordination and development in Kosovo and be subject to modification by the CIM.

c. The IM will endeavor to develop the capacities of the CJA as quickly as possible. Prior to the point when the CJA is able to properly carry out the functions described in the preceding paragraph, as determined by the CIM, the IM shall carry out these functions.

4. *Communal Commanders.* Subject to review by the CIM, each commune will appoint, and may remove for cause, by majority vote of the communal council, a communal police commander with responsibility for police operations within the commune.

5. *Service in Police.*

(a) Recruitment for public security personnel will be conducted primarily at the local level. Local and communal governments, upon consultation with communal Criminal Justice Commissions, will nominate officer candidates to attend the Kosovo Police Academy. Offers of employment will be made by communal police commanders, with the concurrence of the academy director, only after the candidate has successfully completed the academy basic recruit course.

(b) Recruitment, selection and training of communal police officers shall be conducted under the direction of the IM during the period of its operation.

(c) There shall be no bar to service in the communal police based on prior political activities. Members of the police shall not, however, be permitted while they hold this public office to participate in party political activities other than membership in such a party.

(d) Continued service in the police is dependent upon behavior consistent with the terms of this Agreement, including this Chapter. The IM shall supervise regular reviews of officer performance, which shall be conducted in accordance with international due process norms.

6. *Uniforms and Equipment.*

(a) All communal police officers, with the exception of officers participating in crowd control functions, shall wear a standard uniform. Uniforms shall include a badge, picture identification, and name tag.

(b) Communal police officers may be equipped with a sidearm, handcuffs, a baton, and a radio.

(c) Subject to authorization or modification by the CIM, each commune may maintain, either at the communal headquarters or at municipal stations, no more than one long-barreled weapon not to exceed 7.62 mm for every fifteen police officers assigned to the commune. Each such weapon must be approved by and registered with the IM and KFOR pursuant to procedures established by the CIM and COMKFOR. When not in use, all such weapons will be securely stored and each commune will keep a registry of these weapons.

(i) In the event of a serious law enforcement threat that would justify the use of

these weapons, the communal police commander shall obtain IM approval before employing these weapons.

(ii) The communal police commander may authorize the use of these weapons without prior approval of the IM for the sole purpose of self-defense. In such cases, he must report the incident no later than one hour after it occurs to the IM and KFOR.

(iii) If the CIM determines that a weapon has been used by a member of a communal police force in a manner contrary to this Chapter, he may take appropriate corrective measures; such measures may include reducing the number of such weapons that the communal police force is allowed to possess or dismissing or disciplining the law enforcement personnel involved.

(d) Communal police officers engaged in crowd control functions will receive equipment appropriate to their task, including batons, helmets and shields, subject to IM approval.

ARTICLE III: INTERIM POLICE ACADEMY

1. Under the supervision of the IM, the CJA shall establish an interim Police Academy that will offer mandatory and professional development training for all public security personnel, including border police. Until the interim police academy is established, IM will oversee a temporary training program for public security personnel including border police.

2. All public security personnel shall be required to complete a course of police studies successfully before serving as communal police officers.

3. The Academy shall be headed by a Director appointed and removed by the CJA in consultation with the Kosovo Criminal Justice Commission and the IM. The Director shall consult closely with the IM and comply fully with its recommendations and guidance.

4. All Republic and Federal police training facilities in Kosovo, including the academy at Vucitrn, will cease operations within 6 months of the entry into force of this Agreement.

ARTICLE IV: CRIMINAL JUSTICE COMMISSIONS

1. The parties shall establish a Kosovo Criminal Justice Commission and Communal Criminal Justice Commissions. The CIM or his designee shall chair meetings of these Commissions. They shall be forums for cooperation, coordination and the resolution of disputes concerning law enforcement and civil public security in Kosovo.

2. The functions of the Commissions shall include the following:

(a) Monitor, review, and make recommendations regarding the operation of law enforcement personnel and policies in Kosovo, including communal police units;

(b) Review, and make recommendations regarding the recruitment, selection and training of communal police officers and commanders;

(c) Consider complaints regarding police practices filed by individuals or national communities, and provided information and recommendations to communal police commanders and the CIM for consideration in their reviews of officer performance; and

(d) In the Kosovo Criminal Justice Commission only: In consultation with designated local, Republic and Federal police liaisons, monitor jurisdiction sharing in cases of overlapping criminal jurisdiction between Kosovo, Republic and Federal authorities.

3. The membership of the Kosovo Criminal Justice Commission and each Communal Criminal Justice Commission shall be representative of the population and shall include:

(a) In the Kosovo Criminal Justice Commission:

- (i) a representative of each commune;
- (ii) the head of the Kosovo CJA;
- (iii) a representative of each Republic and Federal law enforcement component operating in Kosovo (for example, Customs police and Border police);
- (iv) a representative of each national community;
- (v) a representative of the IM, during its period of operation in Kosovo;
- (vi) a representative of the VJ border guard, as appropriate;
- (vii) a representative of the MUP, as appropriate, while present in Kosovo; and
- (viii) a representative of KFOR, as appropriate.

(b) In the Communal Criminal Justice Commissions:

- (i) the communal police commander;
- (ii) a representative of any Republic and Federal law enforcement component operating in the commune;
- (iii) a representative of each national community;
- (iv) a civilian representative of the communal government;
- (v) a representative of the IM, during its period of operation in Kosovo;
- (vi) a representative of the VJ border guard, who shall have observer status, as appropriate; and
- (viii) a representative of KFOR, as appropriate.

4. Each Criminal Justice Commission shall meet at least monthly, or at the request of any Commission member.

ARTICLE V: POLICE OPERATIONS IN KOSOVO

1. The communal police established by this Agreement shall have exclusive law enforcement authority and jurisdiction and shall be the only police presence in Kosovo following the reduction and eventual withdrawal from Kosovo by the MUP, with the exception of border police as specified in Article VI and any support provided pursuant to Article I(3)(h).

(a) During the transition to communal police, the remaining MUP shall carry out only normal policing duties, and shall draw down, pursuant to the schedule described in Chapter 7.

(b) During the period of the phased draw-down of the MUP, the MUP in Kosovo shall have authority to conduct only civil police functions and shall be under the supervision and control of the CIM. The IM may dismiss from service, or take other appropriate disciplinary action against, MUP personnel who obstruct implementation of this Agreement.

2. Concurrent Law Enforcement in Kosovo.

(a) Except as provided in Article V.1 and Article VI, Federal and Republic law enforcement officials may only act within Kosovo in cases of hot pursuit of a person suspected of committing a serious criminal offense.

(i) Federal and Republic authorities shall as soon as practicable, but in no event later than one hour after their entry into Kosovo while engaged in a hot pursuit, notify the nearest Kosovo law enforcement officials that the pursuit has crossed into Kosovo. Once notification has been made, further pursuit and apprehension shall be coordinated with Kosovo law enforcement. Following apprehension, suspects shall be placed into the custody of the authorities originating the pursuit. If the suspect has not been apprehended within four hours, the original pursuing authorities shall cease their pursuit and immediately depart Kosovo unless invited to continue their pursuit by the CJA or the CIM.

(ii) In the event the pursuit is of such short duration as to preclude notification, Kosovo law enforcement officials shall be notified that an apprehension has been made and shall be given access to the detainee prior to his removal from Kosovo.

(iii) Personnel engaged in hot pursuit under the provisions of this Article may only be civilian police, may only carry weapons appropriate for normal civilian police duties (sidearms, and long-barreled weapons not to exceed 7.62mm), may only travel in officially marked police vehicles, and may not exceed a total of eight personnel at any one time. Travel in armored personnel carriers by police engaged in hot pursuit is strictly prohibited.

(iv) The same rules shall apply to hot pursuit of suspects by Kosovo law enforcement authorities to Federal territory outside of Kosovo.

(b) All Parties shall provide the highest degree of mutual assistance in law enforcement matters in response to reasonable requests.

ARTICLE VI: SECURITY ON INTERNATIONAL BORDERS

1. The Government of the FRY will maintain official border crossings on its international borders (Albania and FYROM).

2. Personnel from the organizations listed below may be present along Kosovo's international borders and at international border crossings, and may not act outside the scope of the authorities specified in this Chapter.

(a) Republic of Serbia Border Police.

(i) The Border Police shall continue to exercise authority to Kosovo's international border crossings and in connection with the enforcement of Federal Republic of Yugoslavia immigration laws. The total number of border police shall be drawn down to 75 within 14 days of entry into force of this Agreement.

(ii) While maintaining the personnel threshold specified in subparagraph (i), the ranks of the existing Border Police units operating in Kosovo shall be supplemented by new recruits so that they are representative of the Kosovo population.

(iii) All Border Police stationed in Kosovo must attend police training at the Kosovo police academy within 18 months of the entry into force of this Agreement.

(b) Customs Officers.

(i) The FRY Customs Service will continue to exercise customs jurisdiction at Kosovo's official international border crossings and in such customs warehouses as may be necessary within Kosovo. The total number of customs personnel shall be drawn down to 50 within 14 days of the entry into force of this Agreement.

(ii) Kosovar Albanian officers of the Customs Service shall be trained and compensated by the FRY.

(c) The CIM shall conduct a periodic review of customs and border police requirements and shall have the authority to increase or decrease the personnel ceilings described in paragraphs (a)(i) and (b)(i) above to reflect operational needs and to adjust the composition of individual customs units.

ARTICLE VII: ARREST AND DETENTION

1. Except pursuant to Article V, Article I(3)(h), and sections (a)-(b) of this paragraph, only officers of the communal police shall have authority to arrest and detain individuals in Kosovo. (a) Border Police officers shall have authority within Kosovo to arrest and detain individuals who have violated criminal provisions of the immigration laws.

(b) Officers of the Customs Service shall have authority within Kosovo to arrest and

detain individuals for criminal violations of the customs laws.

2. Immediately upon making an arrest, the arresting officer shall notify the nearest Communal Criminal Justice Commission of the detention and the location of the detainee. He subsequently shall transfer the detainee to the nearest appropriate jail in Kosovo at the earliest opportunity.

3. Officers may use reasonable and necessary force proportionate to the circumstances to effect arrests and keep suspects in custody.

4. Kosovo and its constituent communes shall establish jails and prisons to accommodate the detention of criminal suspects and the imprisonment of individuals convicted of violating the laws applicable in Kosovo. Prisons shall be operated consistent with international standards. Access shall be provided to international personnel, including representatives of the International Committee of the Red Cross.

ARTICLE VIII: ADMINISTRATION OF JUSTICE

1. Criminal Jurisdiction over Persons Arrested within Kosovo.

(a) Except in accordance with Article V and subparagraph (b) of this paragraph, any person arrested within Kosovo shall be subject to the jurisdiction of the Kosovo courts.

(b) Any person arrested within Kosovo, in accordance with the law and with this Agreement, by the Border Police or Customs Police shall be subject to be jurisdiction of the FRY courts. If there is no applicable court of the FRY to hear the case, the Kosovo courts shall have jurisdiction.

2. *Prosecution of Crimes.*

(a) The CJA shall, in consultation with the CIM, appoint and have the authority to remove the Chief Prosecutor.

(b) The IM shall have the authority to monitor, observe, inspect, and when necessary, direct the operations of the Office of the Prosecutor and any and all related staff.

ARTICLE IX: FINAL AUTHORITY TO INTERPRET

The CIM is the final authority regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

CHAPTER 3

CONDUCT AND SUPERVISION OF ELECTIONS

ARTICLE I: CONDITIONS FOR ELECTIONS

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, which include but are not limited to:

- (a) freedom of movement for all citizens;
- (b) an open and free political environment;
- (c) an environment conducive to the return of displaced persons;

(d) a safe and secure environment that ensures freedom of assembly, association, and expression;

(e) an electoral legal framework of rules and regulations complying with OSCE commitments, which will be implemented by a Central Election Commission, as set forth in Article III, which is representative of the population of Kosovo in terms of national communities and political parties; and

(f) free media, effectively accessible to registered political parties and candidates, and available to voters throughout Kosovo.

2. The Parties request the OSCE to certify when elections will be effective under current conditions in Kosovo, and to provide assistance to the Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Chapter.

ARTICLE II: ROLE OF THE OSCE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise elections as set forth in this Agreement.

2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:

(a) Members of the Kosovo Assembly;
 (b) Members of Communal Assemblies;
 (c) other officials popularly elected in Kosovo under this Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.

3. The Parties request the OSCE to establish a Central Election Commission in Kosovo ("the Commission").

4. Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of this Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.

ARTICLE III: CENTRAL ELECTION COMMISSION

1. The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.

2. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

(a) the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;

(b) ensuring compliance with the electoral Rules and Regulations established pursuant to this Agreement, including establishing auxiliary bodies for this purpose as necessary;

(c) ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and

(d) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.

3. The Commission shall consist of a person appointed by the Chairman-in-Office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.

4. The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

CHAPTER 4
ECONOMIC ISSUES
ARTICLE I

1. The economy of Kosovo shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in this Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with this Agreement.

3. Certain revenue from Kosovo taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosovo shall enact appropriate non-discriminatory legislation for this purpose. The Communes may also levy local taxes in accordance with this Agreement.

4. The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.

5. Federal authorities shall ensure that Kosovo receives a proportionate and equitable share of benefits that may be derived from international agreements concluded by the Federal Republic and of Federal resources.

6. Federal and other authorities shall within their respective powers and responsibilities ensure the free movement of persons, goods, services, and capital to Kosovo, including from international sources. They shall in particular allow access to Kosovo without discrimination for person delivering such goods and services.

7. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia, which shall establish appropriate mechanisms to make such funds available to Kosovo authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosovo shall be managed and implemented by the appropriate Kosovo authority.

ARTICLE II

1. The Parties agree to reallocate ownership and resources in accordance insofar as possible with the distribution of powers and responsibilities set forth in this Agreement, in the following areas:

(a) government-owned assets (including educational institutions, hospitals, natural resources, and production facilities);

(b) pension and social insurance contributions;

(c) revenues to be distributed under Article 1.5; and

(d) any other matters relating to economic relations between the Parties not covered by this Agreement.

2. The Parties agree to the creation of a Claim Settlement Commission (CSC) to resolve all disputes between them on matters referred to in paragraph 1.

(a) The CSC shall consist of three experts designated by Kosovo, three experts designated jointly by the Federal Republic of Yugoslavia and the Republic of Serbia, and three independent experts designated by the CIM.

(b) The decisions of the CSC, which shall be taken by majority vote, shall be final and binding. The Parties shall implement them without delay.

3. Authorities receiving ownership of public facilities shall have the power to operate such facilities.

CHAPTER 4A

HUMANITARIAN ASSISTANCE, RECONSTRUCTION
AND ECONOMIC DEVELOPMENT

1. In parallel with the continuing full implementation of this Agreement, urgent attention must be focused on meeting the real humanitarian and economic needs of Kosovo in order to help create the conditions for reconstruction and lasting economic recovery. International assistance will be provided without discrimination between national communities.

2. The Parties welcome the willingness of the European Commission working with the international community to co-ordinate international support for the parties' efforts. Specifically, the European Commission will organize an international donors' conference within one month of entry into force of this Agreement.

3. The international community will provide immediate and unconditional humanitarian assistance, focusing primarily on refugees and internally displaced persons returning to their former homes. The Parties welcome and endorse the UNHCR's lead role in co-ordination of this effort, and endorse its intention, in close co-operation with the Implementation Mission, to plan an early, peaceful, orderly and phased return of refugees and displaced persons in conditions of safety and dignity.

4. The international community will provide the means for the rapid improvement of living conditions for the population of Kosovo through the reconstruction and rehabilitation of housing and local infrastructure (including water, energy, health and local education infrastructure) based on damage assessment surveys.

5. Assistance will also be provided to support the establishment and development of the institutional and legislative framework laid down in this Agreement, including local governance and tax settlement, and to reinforce civil society, culture and education. Social welfare will also be addressed, with priority given to the protection of vulnerable social groups.

6. It will also be vital to lay the foundations for sustained development, based on a revival of the local economy. This must take account of the need to address unemployment, and to stimulate the economy by a range of mechanisms. The European Commission will be giving urgent attention to this.

7. International assistance, with the exception of humanitarian aid, will be subject to full compliance with this Agreement as well as other conditions defined in advance by the donors and the absorptive capacity of Kosovo.

CHAPTER 5

IMPLEMENTATION I

ARTICLE I: INSTITUTIONS
IMPLEMENTATION MISSION

1. The Parties invite the OSCE, in cooperation with the European Union, to constitute an Implementation Mission in Kosovo. All responsibilities and powers previously vested in the Kosovo Verification Mission and its Head by prior agreements shall be continued in the Implementation Mission and its Chief.

JOINT COMMISSION

2. A Joint Commission shall serve as the central mechanism for monitoring and co-ordinating the civilian implementation of this Agreement. It shall consist of the Chief of the Implementation Mission (CIM), one Federal and one Republic representative, one representative of each national community

in Kosovo, the President of the Assembly, and a representative of the President of Kosovo. Meetings of the Joint Commission may be attended by other representatives of organizations specified in this Agreement or needed for its implementation.

3. The CIM shall serve as the Chair of the Joint Commission. The Chair shall coordinate and organize the work of the Joint Commission and decide the time and place of its meetings. The Parties shall abide by and fully implement the decisions of the Joint Commission. The Joint Commission shall operate on the basis of consensus, but in the event consensus cannot be reached, the Chair's decision shall be final.

4. The Chair shall have full and unimpeded access to all places, persons, and information (including documents and other records) within Kosovo that in his judgment are necessary to his responsibilities with regard to the civilian aspects of this Agreement.

JOINT COUNCIL AND LOCAL COUNCILS

5. The CIM may, as necessary, establish a Kosovo Joint Council and Local Councils, for informal dispute resolution and cooperation. The Kosovo Joint Council would consist of one member from each of the national communities in Kosovo. Local Councils would consist of representatives of each national community living in the locality where the Local Council is established.

ARTICLE II: RESPONSIBILITIES AND POWERS

1. The CIM shall:

(a) supervise and direct the implementation of the civilian aspects of this Agreement pursuant to a schedule that he shall specify;

(b) maintain close contact with the Parties to promote full compliance with those aspects of this Agreement;

(c) facilitate, as he deems necessary, the resolution of difficulties arising in connection with such implementation;

(d) participate in meetings of donor organizations, including on issues of rehabilitation and reconstruction, in particular by putting forward proposals and identifying priorities for their consideration as appropriate;

(e) coordinate the activities of civilian organizations and agencies in Kosovo assisting in the implementation of the civilian aspects of this Agreement, respecting fully their specific organizational procedures;

(f) report periodically to the bodies responsible for constituting the Mission on progress in the implementation of the civilian aspects of this Agreement; and

(g) carry out the functions specified in this Agreement pertaining to police and security forces.

2. The CIM shall also carry out other responsibilities set forth in this Agreement or as may be later agreed.

ARTICLE III: STATUS OF IMPLEMENTATION MISSION

1. Implementation Mission personnel shall be allowed unrestricted movement and access into and throughout Kosovo at any time.

2. The Parties shall facilitate the operations of the Implementation Mission, including by the provision of assistance as requested with regard to transportation, subsistence, accommodation, communication, and other facilities.

3. The Implementation Mission shall enjoy such legal capacity as may be necessary for the exercise of its functions under the laws and regulations of Kosovo, the Federal Republic of Yugoslavia, and the Republic of Serbia. Such legal capacity shall include the capacity to contract, and to acquire and dispose of real and personal property.

4. Privileges and immunities are hereby accorded as follows to the Implementation Mission and associated personnel:

(a) the Implementation Mission and its premises, archives, and other property shall enjoy the same privileges and immunities as a diplomatic mission under the Vienna Convention on Diplomatic Relations;

(b) the CIM and professional members of his staff and their families shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations; and

(c) other members of the Implementation Mission staff and their families shall enjoy the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

ARTICLE IV: PROCESS OF IMPLEMENTATION GENERAL

1. The Parties acknowledge that complete implementation will require political acts and measures, and the election and establishment of institutions and bodies set forth in this Agreement. The Parties agree to proceed expeditiously with these tasks on a schedule set by the Joint Commission. The Parties shall provide active support, cooperation, and participation for the successful implementation of this Agreement.

ELECTION AND CENSUS

2. Within nine months of the entry into force of this Agreement, there shall be elections in accordance with and pursuant to procedures specified in Chapter 3 of this Agreement for authorities established herein, according to a voter list prepared to international standards by the Central Election Commission. The Organization for Security and Cooperation in Europe (OSCE) shall supervise those elections to ensure that they are free and fair.

3. Under the supervision of the OSCE and with the participation of Kosovo authorities and experts nominated by and belonging to the national communities of Kosovo, Federal authorities shall conduct an objective and free census of the population in Kosovo under rules and regulations agreed with the OSCE in accordance with international standards. The census shall be carried out when the OSCE determines that conditions allow an objective and accurate enumeration.

(a) The first census shall be limited to name, place of birth, place of usual residence and address, gender, age, citizenship, national community, and religion.

(b) The authorities of the Parties shall provide each other and the OSCE with all records necessary to conduct the census, including data about places of residence, citizenship, voters' lists, and other information.

TRANSITIONAL PROVISIONS

4. All laws and regulations in effect in Kosovo when this Agreement enters into force shall remain in effect unless and until replaced by laws or regulations adopted by a competent body. All laws and regulations applicable in Kosovo that are incompatible with this Agreement shall be presumed to have been harmonized with this Agreement. In particular, martial law in Kosovo is hereby revoked.

5. Institutions currently in place in Kosovo shall remain until superseded by bodies created by or in accordance with this Agreement. The CIM may recommend to the appropriate authorities the removal and appointment of officials and the curtailment of

operations of existing institutions in Kosovo if he deems it necessary for the effective implementation of this Agreement. If the action recommended is not taken in the time requested, the Joint Commission may decide to take the recommended action.

6. Prior to the election of Kosovo officials pursuant to this Agreement, the CIM shall take the measures necessary to ensure the development and functioning of independent media in keeping with international standards, including allocation of radio and television frequencies.

ARTICLE V: AUTHORITY TO INTERPRET

The CIM shall be the final authority in theater regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons.

CHAPTER 6

THE OMBUDSMAN

ARTICLE I: GENERAL

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosovo. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Parties may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of Kosovo and shall be elected by the Assembly from a list of candidates prepared by the President of the European Court of Human Rights for a non-renewable three-year term. The Ombudsman shall not be a citizen of any State or entity that was a part of the former Yugoslavia, or of any neighboring State. Pending the election of the President and the Assembly, the CIM shall designate a person to serve as Ombudsman on an interim basis who shall be succeeded by a person selected pursuant to the procedure set forth in this paragraph.

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have two Deputies. The Deputies shall each be drawn from different national communities.

(a) The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

(b) The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.

ARTICLE II: JURISDICTION

1. The Ombudsman shall consider:

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosovo, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosovo shall have the right to submit the complaints to the Ombudsman. The Parties agree not to take any

measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

ARTICLE III: POWERS AND DUTIES

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosovo, to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosovo institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Parties undertake to ensure cooperation with the Ombudsman's investigations. Willful and knowing failure to comply shall be criminal offense prosecutable in any jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that official's superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.

(a) A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.

(b) In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission established by Chapter 5 of this Agreement, to the President of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.

CHAPTER 7

IMPLEMENTATION II

ARTICLE I: GENERAL OBLIGATIONS

1. The Parties undertake to recreate, as quickly as possible, normal conditions of life in Kosovo and to co-operate fully with each other and with all international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement. They welcome the willingness of the international community to send to the region a force to assist in the implementation of this Agreement.

a. The United Nations Security Council is invited to pass a resolution under Chapter VII of the Charter endorsing and adopting the arrangements set forth in this Chapter, including the establishment of a multinational military implementation force in Kosovo. The Parties invite NATO to constitute and lead a military force to help ensure compliance with the provisions of this Chapter. They also reaffirm the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY).

b. The Parties agree that NATO will establish and deploy a force (hereinafter "KFOR") which may be composed of ground, air, and maritime units from NATO and non-NATO nations, operating under the authority and subject to the direction and the political control of the North Atlantic Council (NAC) through the NATO chain of command. The Parties agree to facilitate the deployment and operations of this force and agree also to comply fully with all the obligations of this Chapter.

c. It is agreed that other States may assist in implementing this Chapter. The Parties agree that the modalities of those States' participation will be the subject of Agreement between such participating States and NATO.

2. The purposes of these obligations are as follows:

a. to establish a durable cessation of hostilities. Other than those Forces provided for in this Chapter, under no circumstances shall any armed Forces enter, reenter, or remain within Kosovo without the prior express consent of the KFOR Commander (COMKFOR). For the purposes of this Chapter, the term "Forces" includes all personnel and organizations with military capability, including regular army, armed civilian groups, paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, Ministry of Internal Affairs, Local, Special, Riot and Anti-Terrorist Police, and any other groups or individuals so designated by COMKFOR. The only exception to the provisions of this paragraph is for civilian police engaged in hot pursuit of a person suspected of committing a serious criminal offense, as provided for in Chapter 2;

b. to provide for the support and authorization of the KFOR and in particular to authorize the KFOR to take such actions as are required, including the use of necessary force, to ensure compliance with this Chapter and the protection of the KFOR, Implementation Mission (IM), and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement, and to contribute to a secure environment;

c. to provide, at no cost, the use of all facilities and services required for the deployment, operations and support of the KFOR.

3. The Parties understand and agree that the obligations undertaken in this Chapter shall apply equally to each Party. Each Party shall be held individually responsible for compliance with its obligations, and each agrees that delay or failure to comply by one Party shall not constitute cause for any other Party to fail to carry out its own obligations. All Parties shall be equally subject to such enforcement action by the KFOR as may be necessary to ensure implementation of this Chapter in Kosovo and the protection of the KFOR, IM, and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement.

ARTICLE II: CESSATION OF HOSTILITIES

1. The Parties shall, immediately upon entry into force of this Agreement (EIF), re-

frain from committing any hostile or provocative acts of any type against each other or against any person in Kosovo. They shall not encourage or organize hostile or provocative demonstrations.

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake in particular to cease the firing of all weapons and explosive devices except as authorized by COMKFOR. They shall not place any mines, barriers, unauthorized checkpoints, observation posts (with the exception of COMKFOR-approved border observation posts and crossing points), or protective obstacles. Except as provided in Chapter 2, the Parties shall not engage in any military, security, or training-related activities, including ground, air, or air defense operations, in or over Kosovo, without the prior express approval of COMKFOR.

3. Except for Border Guard forces (as provided for in Article IV), no Party shall have Forces present within a 5 kilometer zone inward from the international border of the FRY that is also the border of Kosovo (hereinafter "the Border Zone"). The Border Zone will be marked on the ground by EIF + 14 days by VJ Border Guard personnel in accordance with direction from IM. COMKFOR may determine small scale reconfigurations for operational reasons.

4. a. With the exception of civilian police performing normal police duties as determined by the CIM, no Party shall have Forces present within 5 kilometers of the Kosovo side of the boundary of Kosovo with other parts of the FRY.

b. The presence of any Forces within 5 kilometers of the other side of that boundary shall be notified to COMKFOR; if, in the judgment of COMKFOR, such presence threatens or would threaten implementation of this Chapter in Kosovo, he shall contact the authorities responsible for the Forces in question and may require those Forces to withdraw from or remain outside the area.

5. No party shall conduct any reprisals, counter-attacks, or any unilateral actions in response to violations of this Chapter by another Party. The Parties shall respond to alleged violations of this Chapter through the procedures provided in Article XI.

ARTICLE III: REDEPLOYMENT, WITHDRAWAL, AND DEMILITARIZATION OF FORCES

In order to disengage their Forces and to avoid any further conflict, the Parties shall immediately upon EIF begin to re-deploy, withdraw, or demilitarize their Forces in accordance with Articles IV, V, and VI.

ARTICLE IV: VJ FORCES

I. VJ ARMY UNITS

a. By K-Day + 5 days, all VJ Army units in Kosovo (with the exception of those Forces specified in paragraph 2 of this Article) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter. This senior VJ commander in Kosovo shall confirm in writing to COMKFOR by K-Day + 5 days that the VJ is in compliance and provide the information required in Article VII below to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly.

b. By K-Day + 30 days, the Chief of the VJ General Staff, through the senior VJ commander in Kosovo, shall provide for approval by COMKFOR a detailed plan for the phased withdrawal of VJ Forces from Kosovo to other locations in Serbia to ensure the following timelines are met:

(1) By K-Day + 90 days, VJ authorities must, to the satisfaction of COMKFOR, withdraw from Kosovo to other locations in Serbia 50% of men and materiel and all designated offensive assets. Such assets are taken to be: main battle tanks; all other armored vehicles mounting weapons greater than 12.7mm; and, all heavy weapons (vehicle mounted or not) of over 82mm.

(2) By K-Day + 180 days, all VJ Army personnel and equipment (with the exception of those Forces specified in paragraph 2 of this Article) shall be withdrawn from Kosovo to other locations in Serbia.

2. VJ BORDER GUARD FORCES

a. VJ Border Guard forces shall be permitted but limited to a structure of 1500 members at pre-February 1998 Border Guard Battalion facilities located in Djakovica, Prizren, and Urosevac and subordinate facilities within the 5 kilometer Border Zone, or at a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR, with that number to be reached by K-Day + 14 days. An additional number of VJ personnel—totaling no more than 1000 C2 and logistics forces—will be permitted to remain in the approved cantonment sites listed at Appendix A to fulfill brigade-level functions related only to border security. After an initial 90 day period from K-Day, COMKFOR may at any time review the deployments of VJ personnel and may require further adjustments to force level, with the objective of reaching the minimum force structure required for legitimate border security, as the security situation and the conduct of Parties warrant.

b. VJ elements in Kosovo shall be limited to weapons of 82mm and below. They shall possess neither armored vehicles (other than wheeled vehicles mounting weapons of 12.7mm or less) nor air defense weapons.

c. VJ Border Guard units shall be permitted to patrol in Kosovo only within the Border Zone and solely for purpose of defending the border against external attack and maintaining its integrity by preventing illicit border crossings. Geographic terrain considerations may require Border Guard maneuver inward of the Border Zone; any such maneuver shall be coordinated with and approved by COMKFOR.

d. With the exception of the Border Zone, VJ units may travel through Kosovo only to reach duty stations and garrisons in the Border Zone or approved cantonment sites. Such travel may only be along routes and in accordance with procedures that have been determined by COMKFOR after consultation with the CIM, VJ unit commanders, communal government authorities, and police commanders. These routes and procedures will be determined by K-Day + 14 days, subject to re-determination by COMKFOR at any time. VJ forces in Kosovo but outside the Border Zone shall be permitted to act only in self-defense in response to a hostile act pursuant to Rules of Engagement (ROE) which will be approved by COMKFOR in consultation with the CIM. When deployed in the Border Zone, they will act in accordance with ROE established under control of COMKFOR.

e. VJ Border Guard forces may conduct training activities only within the 5 kilometer Border Zone, and only with the prior express approval of COMKFOR.

3. YUGOSLAV AIR AND AIR DEFENSE FORCES (YAADF)

All aircraft, radars, surface-to-air missiles (including man-portable air defense systems {MANPADS}) and anti-aircraft artillery in

Kosovo shall immediately upon EIF begin withdrawing from Kosovo to other locations in Serbia outside the 25 kilometer Mutual Safety Zone as defined in Article X. This withdrawal shall be completed and reported by the senior VJ commander in Kosovo to the appropriate NATO commander not more than 10 days after EIF. The appropriate NATO commander shall control and coordinate use of airspace over Kosovo commencing at EIF as further specified in Article X. No air defense systems, target tracking radars, or anti-aircraft artillery shall be positioned or operated within Kosovo or the 25 kilometer Mutual Safety Zone without the prior express approval of the appropriate NATO commander.

ARTICLE V: OTHER FORCES

1. The actions of Forces in Kosovo other than KFOR, VJ, MUP, or local police forces provided for in Chapter 2 (hereinafter referred to as "Other Forces") shall be in accordance with this Article. Upon EIF, all Other Forces in Kosovo must immediately observe the provisions of Article I, paragraph 2, Article II, paragraph 1, and Article III and in addition refrain from all hostile intent, military training and formations, organization of demonstrations, and any movement in either direction or smuggling across international borders or the boundary between Kosovo and other parts of the FRY. Furthermore, upon EIF, all Other Forces in Kosovo must publicly commit themselves to demilitarize on terms to be determined by COMKFOR, renounce violence, guarantee security of international personnel, and respect the international borders of the FRY and all terms of this Chapter.

2. Except as approved by COMKFOR, from K-Day, all Other Forces in Kosovo must not carry weapons:

a. within 1 kilometer of VJ and MUP cantonments listed at Appendix A;

b. within 1 kilometer of the main roads as follows:

- (1) Pec—Lapusnik—Pristina.
- (2) border—Djakovica—Klina.
- (3) border—Prizren—Suva Rika—Pristina.
- (4) Djakovica—Orahovac—Lapusnik—Pristina.
- (5) Pec—Djakovica—Prizren—Urosevac—border.
- (6) border—Urosevac—Pristina—Podujevo—border.
- (7) Pristina—Kosovska Mitrovica—border.
- (8) Kosovka Mitrovica—(Rakos)—Pec.
- (9) Pec—Border with Montenegro (through Pozaj).
- (10) Pristina—Lisica—border with Serbia.
- (11) Pristina—Gnjilane—Urosevac.
- (12) Gnjilane—Veliki Trnovac—border with Serbia.
- (13) Prizren—Doganovic.

c. within 1 kilometer of the Border Zone;

d. in any other areas designated by COMKFOR.

3. By K-Day+5 days, all Other Forces must abandon and close all fighting positions, entrenchments, and checkpoints.

4. By K-Day+5 days, all Other Forces' commanders designated by COMKFOR shall report completion of the above requirements in the format at Article VII to COMKFOR and continue to provide weekly detailed status reports until demilitarization is complete.

5. COMKFOR will establish procedures for demilitarization and monitoring of Other Forces in Kosovo and for the further regulation of their activities. These procedures will be established to facilitate a phased demilitarization program as follows:

a. By K-Day+5 days, all Other Forces shall establish secure weapons storage sites, which

shall be registered with and verified by the KFOR;

b. By K-Day+30 days, all Other Forces shall store all prohibited weapons (any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives) and automatic weapons in the registered weapons storage sites. Other Forces commanders shall confirm completion of weapons storage to COMKFOR no later than K-Day+30 days;

c. By K-Day+30 days, all Other Forces shall cease wearing military uniforms and insignia, and cease carrying prohibited weapons and automatic weapons;

d. By K-Day+90 days, authority for storage sites shall pass to the KFOR. After this date, it shall be illegal for Other Forces to possess prohibited weapons and automatic weapons, and such weapons shall be subject to confiscation by the KFOR;

e. By K-Day+120 days, demilitarization of all Other Forces shall be completed.

6. By EIF+30 days, subject to arrangements by COMKFOR is necessary, all Other Forces personnel who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from Kosovo.

ARTICLE VI: MUP

1. Ministry of Interior Police (MUP) is defined as all police and public security units and personnel under the control of Federal or Republic authorities except for the border police referred to in Chapter 2 and police academy students and personnel at the training school in Vucitrn referred to in Chapter 2. The CIM, in consultation with COMKFOR, shall have the discretion to exempt any public security units from this definition if he determines that it is in the public interest (e.g. firefighters).

a. By K-Day+5 days, all MUP units in Kosovo (with the exception of the border police referred to in Chapter 2) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter or to garrisons outside Kosovo. The senior MUP commander in Kosovo or his representatives shall confirm in writing by K-Day+5 days to COMKFOR and the CIM that the MUP is in compliance and update the information required in Article VII to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly. Resumption of normal communal police patrolling will be permitted under the supervision and control of the IM and as specifically approved by the CIM in consultation with COMKFOR, and will be contingent on compliance with the terms of this Agreement.

b. Immediately upon EIF, the following withdrawals shall begin:

(1) By K-Day+5 days, those MUP units not assigned to Kosovo to 1 February 1998 shall withdraw all personnel and equipment from Kosovo to other locations in Serbia.

(2) By K-Day+20 days, all Special Police, including PJP, SAJ, and JSO forces, and their equipment shall be withdrawn from their cantonment sites out of Kosovo to other locations in Serbia. Additionally, all MUP offensive assets (designated as armored vehicles mounting weapons 12.7mm or larger, and all heavy weapons {vehicle mounted or not} of over 82mm) shall be withdrawn.

c. By K-Day+30 days, the senior MUP commander shall provide for approval by COMKFOR, in consultation with the CIM, a detailed plan for the phased drawdown of the remainder of MUP forces. In the event that

COMKFOR, in consultation with the CIM, does not approve the plan, he has the authority to issue his own binding plan for further MUP drawdowns. The CIM will decide at the same time when the remaining MUP units will wear new insignia. In any case, the following time-table must be met:

(1) by K-Day+60 days, 50% drawdown of the remaining MUP units including reservists. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day+90 days if he judges there to be a risk of a law enforcement vacuum;

(2) by K-Day+120 days, further drawdown to 2500 MUP. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day+180 days to meet operational needs;

(3) transition to communal police force shall begin as Kosovar police are trained and able to assume their duties. The CIM shall organize this transition between MUP and communal police;

(4) in any event, by EIF+one year, all Ministry, of Interior Civil Police shall be drawn down to zero. The CIM shall have the discretion to extend this deadline for up to an additional 12 months to meet operational needs.

d. The 2500 MUP allowed by this Chapter and referred to in Article V.1(a) of Chapter 2 shall have authority only for civil police functions and be under the supervision and control of the CIM.

ARTICLE VII: NOTIFICATIONS

1. By K-Day+5 days, the Parties shall furnish the following specific information regarding the status of all conventional military; all police, including military police, Department of Public Security Police, special police; paramilitary; and all Other Forces in Kosovo, and shall update the COMKFOR weekly on changes in this information:

a. location, disposition, and strengths of all military and special police units referred to above;

b. quantity and type of weaponry of 12.7mm and above, and ammunition for such weaponry, including location of cantonments and supply depots and storage sites;

c. positions and descriptions of any surface-to-air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars, and associated command and control systems;

d. positions and descriptions of all miners, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglements, physical or military hazards to the safe movement of any personnel in Kosovo, weapons systems, vehicles, or any other military equipment; and

e. any further information of a military or security nature requested by the COMKFOR.

ARTICLE VIII: OPERATIONS AND AUTHORITY OF THE KFOR

1. Consistent with the general obligations of Article I, the Parties understand and agree that the KFOR will deploy and operate without hindrance and with the authority to take all necessary action to help ensure compliance with this Chapter.

2. The Parties understand and agree that the KFOR shall have the right:

a. to monitor and help ensure compliance by all Parties with this Chapter and to respond promptly to any violations and restore compliance, using military force if required. This includes necessary action to:

1) enforce VJ and MUP reductions; 2) enforce demilitarization of Other Forces; 3) en-

force restrictions of all VJ, MUP and Other Forces' activities, movement and training in Kosovo;

b. to establish liaison arrangements with IM, and support IM as appropriate;

c. to establish liaison arrangements with local Kosovo authorities, with Other Forces, and with FRY and Serbian civil and military authorities;

d. to observe, monitor, and inspect any and all facilities or activities in Kosovo, including within the Border Zone, that the COMKFOR believes has or may have military capability, or are or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this Chapter;

e. to require the Parties to mark and clear minefields and obstacles and to monitor their performance;

f. to require the Parties to participate in the Joint Military Commission and its subordinate military commissions as described in Article XI.

3. The Parties understand and agree that the KFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks, its capabilities, and available resources, and as directed by the NAC, which include the following:

a. to help create secure conditions for the conduct by others of other tasks associated with this Agreement, including free and fair elections;

b. to assist the movement of organizations in the accomplishment of humanitarian missions;

c. to assist international agencies in fulfilling their responsibilities in Kosovo;

d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate threat to life and person.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the KFOR in implementing this Chapter.

5. KFOR operations shall be governed by the following provisions:

a. KFOR and its personnel shall have the legal status, rights, and obligations specified in Appendix B to this Chapter;

b. the KFOR shall have the right to use all necessary means to ensure its full ability to communicate and shall have the right to the unrestricted use of the entire electromagnetic spectrum. In implementing this right, the KFOR shall make reasonable efforts to coordinate with the appropriate authorities of the Parties;

c. The KFOR shall have the right to control and regulate surface traffic throughout Kosovo including the movement of the Forces of the Parties. All military training activities and movements in Kosovo must be authorized in advance by COMKFOR;

d. The KFOR shall have complete and unimpeded freedom of movement by ground, air, and water into and throughout Kosovo. It shall in Kosovo have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. Neither the KFOR nor any of its personnel shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this Chapter. Roadblocks, checkpoints, or other impediments to KFOR freedom of movement shall constitute a breach of this Chapter and the violating Party shall be subject to military action by

the KFOR, including the use of necessary force to ensure compliance with its Chapter.

6. The Parties understand and agree that COMKFOR shall have the authority, without interference or permission of any Party, to do all that he judges necessary and proper, including the use of military force, to protect the KFOR and the IM, and to carry out the responsibilities listed in this Chapter. The Parties shall comply in all respects with KFOR instructions and requirements.

7. Notwithstanding any other provision of this Chapter, the Parties understand and agree that COMKFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons, and to order the cessation of any activities whenever the COMKFOR determines such Forces, weapons, or activities to constitute a threat or potential threat to either the KFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the KFOR shall be subject to military action by the KFOR, including the use of necessary force, to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

ARTICLE IX: BORDER CONTROL

The Parties understand and agree that, until other arrangements are established, and subject to provisions of this Chapter and Chapter 2, controls along the international border of the FRY that is also the border of Kosovo will be maintained by the existing institutions normally assigned to such tasks, subject to supervision by the KFOR and the IM, which shall have the right to review and approve all personnel and units, to monitor their performance, and to remove and replace any personnel for behavior inconsistent with this Chapter.

ARTICLE X: CONTROL OF AIR MOVEMENTS

The appropriate NATO commander shall have sole authority to establish rules and procedures governing command and control of the airspace over Kosovo as well as within a 25 kilometer Mutual Safety Zone (MSZ). This MSZ shall consist of FRY airspace within 25 kilometers outward from the boundary of Kosovo with other parts of the FRY. This Chapter supersedes the NATO Kosovo Verification Mission Agreement of October 12, 1998 on any matter or area in which they may contradict each other. No military air traffic, fixed or rotary wing, of any Party shall be permitted to fly over Kosovo or in the MSZ without the prior express approval of the appropriate NATO commander. Violations of any of the provisions above, including the appropriate NATO commander's rules and procedures governing the airspace over Kosovo, as well as unauthorized flight or activation of FRY Integrated Air Defense (IADS) within the MSZ, shall be subject to military action by the KFOR, including the use of necessary force. The KFOR shall have a liaison team at the FRY Air Force HQ and a YAADF liaison shall be established with the KFOR. The Parties understand and agree that the appropriate NATO commander may delegate control of normal civilian air activities to appropriate FRY institutions to monitor operations, deconflict KFOR air traffic movements, and ensure smooth and safe operation of the air traffic system.

ARTICLE XI: ESTABLISHMENT OF A JOINT MILITARY COMMISSION

1. A Joint Military Commission (JMC) shall be established with the deployment of the KFOR to Kosovo.

2. The JMC shall be chaired by COMKFOR or his representative and consist of the following members:

- a. the senior Yugoslav military commander of the Forces of the FRY or his representative;
- b. the Ministers of Interior of the FRY and Republic of Serbia or their representatives;
- c. a senior military representative of all Other Forces;
- d. a representative of the IM;
- e. other persons as COMKFOR shall determine, including one or more representatives of the Kosovo civilian leadership.

3. The JMC shall:

- a. serve as the central body for all Parties to address any military complaints, questions, or problems that require resolution by the COMKFOR, such as allegations of ceasefire violations or other allegations of non-compliance with this Chapter;
- b. receive reports and make recommendations for specific actions to COMKFOR to ensure compliance by the Parties with the provisions of this Chapter;
- c. assist COMKFOR in determining and implementing local transparency measures between the Parties.

4. The JMC shall not include any persons publicly indicted by the International Criminal Tribunal for the Former Yugoslavia.

5. The JMC shall function as a consultative body to advise COMKFOR. However, all final decisions shall be made by COMKFOR and shall be binding on the Parties.

6. The JMC shall meet at the call of COMKFOR. Any Party may request COMKFOR to convene a meeting.

7. The JMC shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at an appropriate level, as COMKFOR shall direct. Composition of such commissions shall be determined by COMKFOR.

ARTICLE XII: PRISONER RELEASE

1. By EIF + 21 days, the Parties shall release and transfer, in accordance with international humanitarian standards, all persons held in connection with the conflict (hereinafter "prisoners"). In addition, the Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work, in accordance with its mandate, to implement and monitor a plan for the release and transfer of prisoners in accordance with the above deadline. In preparation for compliance with this requirement, the Parties shall:

- a. grant the ICRC full access to all persons, irrespective of their status, who are being held by them in connection with the conflict, for visits in accordance with the ICRC's standard operating procedures;
- b. provide to the ICRC any and all information concerning prisoners, as requested by the ICRC, by EIF + 14 days.

2. The Parties shall provide information, through the tracing mechanisms of the ICRC, to the families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC in its efforts to determine the identity, whereabouts, and fate of those unaccounted for.

ARTICLE XIII: COOPERATION

The Parties shall cooperate fully with all entities involved in implementation of this settlement, as described in the Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Criminal Tribunal for the former Yugoslavia.

ARTICLE XIV: NOTIFICATION TO MILITARY COMMANDS

Each Party shall ensure that the terms of this Chapter and written orders requiring compliance are immediately communicated to all of its Forces.

ARTICLE XV: FINAL AUTHORITY TO INTERPRET

1. Subject to paragraph 2, the KFOR Commander is the final authority in theater regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

2. The CIM is the final authority in theater regarding interpretation of the references in this Chapter to his functions (directing the VJ Border Guards under Article II, paragraph 3; his functions concerning the MUP under Article VI) and his determinations are binding on all Parties and persons.

ARTICLE XVI: K-DAY

The date of activation of KFOR—to be known as K-Day—shall be determined by NATO.

APPENDICES

- A. Approved VJ/MUP Cantonment Sites
- B. Status of Multi-National Military Implementation Force

APPENDIX A: APPROVED VJ/MUP CANTONMENT SITES

1. There are 13 approved cantonment sites in Kosovo for all VJ units, weapons, equipment, and ammunition. Movement to cantonment sites, and subsequent withdrawal from Kosovo, will occur in accordance with this Chapter. As the phased withdrawal of VJ units progresses along the timeline as specified in this Chapter, COMKFOR will close selected cantonment sites.

2. Initial approved VJ cantonment sites:

- (a) Pristina SW 423913NO210819E.
- (b) Pristina Airfield 423412NO210040E
- (c) Vucitrin North 424936NO205227E.
- (d) Kosovska Mitrovica 425315NO205227E.
- (e) Gnjilane NE 422807NO212845E.
- (f) Urosevac 422233NO210753E.
- (g) Prizren 421315NO204504E.
- (h) Djakovica SW 422212NO202530E.
- (i) Pec 423910NO201728E.
- (j) Pristina Explosive Storage Fac 423636NO211225E.
- (k) Pristina Ammo Depot SW 423518NO205923E.
- (l) Pristina Ammo Depot 510 424211NO211056E.
- (m) Pristina Headquarters facility 423938NO210934E.

3. Within each cantonment site, VJ units are required to canton all heavy weapons and vehicles outside of storage facilities.

4. After EIF + 180 days, the remaining 2500 VJ forces dedicated to border security functions provided for this Agreement will be garrisoned and cantoned at the following locations: Djakovica, Prizren, and Urosevac; subordinate border posts within the Border Zone; a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR; and headquarters/C2 and logistic support facilities in Pristina.

5. There are 37 approved cantonment sites for all MUP and Special Police force units in Kosovo. There are seven (7) approved regional SUP's. Each of the 37 approved cantonment sites will fall under the administrative control of one of the regional SUPs. Movement to cantonment sites, and subsequent withdrawal of MUP from Kosovo, will occur in accordance with this Chapter.

6. Approved MUP regional SUPs and cantonment sites:

- | | | | |
|-----|------------------|-----------|-----|
| (a) | Kosovska | Mitrovica | SUP |
| | 425300NO205200E. | | |

- (1) Kosovska Mitrovica (2 locations)
- (2) Leprosavic
- (3) Srbica
- (4) Vucitrin
- (5) Zubin Potok
- (b) Pristina SUP 424000NO211000E.
- (1) Pristina (6 locations)
- (2) Glogovac
- (3) Kosovo Polje
- (4) Lipjan
- (5) Obilic
- (6) Podujevo
- (c) Pec SUP 423900NO201800E.
- (1) Pec (2 locations)
- (2) Klina
- (3) Istok
- (4) Malisevo
- (d) Djakovica SUP 422300NO202600E.
- (1) Djakovica (2 locations)
- (2) Decani
- (e) Urosevac SUP 422200NO211000E.
- (1) Urosevac (2 locations)
- (2) Stimlje
- (3) Strpce
- (4) Kacanik
- (f) Gnjilane SUP 422800NO212900E.
- (1) Gnjilane (2 locations)
- (2) Kamenica
- (3) Vitina
- (4) Kosovska
- (5) Novo Brdo
- (g) Prizren SUP 421300NO204500E.
- (1) Prizren (2 locations)
- (2) Orahovac
- (3) Suva Reka
- (4) Gora

7. Within each cantonment site, MUP units are required to canton all vehicles above 6 tons, including APCs and BOVs, and all heavy weapons outside of storage facilities.

8. KFOR will have the exclusive right to inspect any cantonment site or any other location, at any time, without interference from any Party.

APPENDIX B: STATUS OF MULTI-NATIONAL MILITARY IMPLEMENTATION FORCE

1. For the purposes of this Appendix, the following expressions shall have the meanings hereunder assigned to them

a. "NATO" means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

b. "Authorities in the FRY" means appropriate authorities, whether Federal, Republic, Kosovo or other.

c. "NATO personnel" means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the military, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

d. "the Operation" means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

e. "Military Headquarters" means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

f. "Authorities" means the appropriate responsible individual, agency, or organization of the Parties.

g. "Contractor personnel" means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to

serve NATO either in an advisory capacity in technical matters, or for the setting up, operation, or maintenance of equipment, unless they are:

(1) nationals of the FRY; or

(2) persons ordinarily resident in the FRY.

h. "Official use" means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. "Facilities" means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

3. The Parties recognize the need for expeditious departure and entry procedures for NATO personnel. Such personnel shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. At all entry and exit points to/from the FRY, NATO personnel shall be permitted to enter/exit the FRY on production of a national identification (ID) card. NATO personnel shall carry identification which they may be requested to produce for the authorities in the FRY, but operations, training, and movement shall not be allowed to be impeded or delayed by such requests.

4. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Parties shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

5. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport, or facility.

6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.

b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the Operation in the exercise of their jurisdiction over their own nationals.

c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.

8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as

required for support, training, and operations.

9. NATO shall be exempt from duties, taxes, and other charges and inspections and custom regulations including providing inventories or other routine customs documentation, for personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the FRY in support of the Operation.

10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

12. NATO personnel shall be exempt from taxation by the Parties on the salaries and emoluments received from NATO and on any income received from outside the FRY.

13. NATO personnel and their tangible moveable property imported into, acquired in, or exported from the FRY shall be exempt from all duties, taxes, and other charges and inspections and custom regulations.

14. NATO shall be allowed to import and to export, free of duty, taxes and other charges, such equipment, provisions, and supplies as NATO shall require for the Operation, provided such goods are for the official use of NATO or for sale to NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to unauthorized persons.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electromagnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

16. The Parties shall provide, free of cost, such public facilities as NATO shall require to prepare for and execute the Operation. The Parties shall assist NATO in obtaining, at the lowest rate, the necessary utilities, such as electricity, water, gas and other resources, as NATO shall require for the Operation.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the Operation; however, NATO will entertain claims on an *ex gratia* basis.

18. NATO shall be allowed to contract directly for the acquisition of goods, services, and construction from any source within and outside the FRY. Such contracts, goods, services, and construction shall be subject to the payment of duties, taxes, or other charges. NATO may also carry out construction works with their own personnel.

19. Commercial undertakings operating in the FRY only in the service of NATO shall be exempt from local laws and regulations with respect to the terms and conditions of their employment and licensing and registration of employees, businesses, and corporations.

20. NATO may hire local personnel who on an individual basis shall remain subject to local laws and regulations with the exception of labor/employment laws. However, local personnel hired by NATO shall:

a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be immune from national services and/or national military service obligations;

c. be subject only to employment terms and conditions established by NATO; and

d. be exempt from taxation on the salaries and emoluments paid to them by NATO.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.

CHAPTER 8

AMENDMENT, COMPREHENSIVE ASSESSMENT, AND FINAL CLAUSES

ARTICLE I: AMENDMENT AND COMPREHENSIVE ASSESSMENT

1. Amendments to this Agreement shall be adopted by agreement of all the Parties, except as otherwise provided by Article X of Chapter 1.

2. Each Party may propose amendments at any time and will consider and consult with the other Parties with regard to proposed amendments.

3. Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.

ARTICLE II: FINAL CLAUSES

1. This Agreement is signed in the English language. After signature of this Agreement,

translations will be made into Serbian, Albanian, and other languages of the national communities of Kosovo, and attached to the English text.

2. This Agreement shall enter into force upon signature.

Mr. NICKLES. I yield the floor.

Mr. McCAIN. Mr. President, I thank the Senator from Oklahoma. I appreciate his involvement, and deep involvement, in this issue. I respect his views.

I yield 10 minutes to the Senator from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Arizona and ask if I may enlarge that time to 20 minutes.

Mr. McCAIN. I have no objection.

Mr. DURBIN. I thank the Senator.

Mr. President, I am joining today in this discussion and debate on what is a critically important issue not just for the current challenge facing America in the Balkans but also, frankly, in terms of the history of Congress and this Nation.

I feel very strongly about that provision of the Constitution which gives to Congress, and Congress alone, the authority to declare war. It is, unfortunately, a power allotted to Congress which for the past 50 years has been largely ignored.

One day after the bombing of Pearl Harbor, President Franklin Roosevelt hobbled to the podium of the House of Representatives and gave his memorable speech referring to a day which would "live in infamy." He then asked from a joint session of Congress for a declaration of war, first against Japan and then later against Germany and Italy.

That was literally the last time a President came before Congress and recognized the authority of Congress to declare war. Every subsequent President—Democrat and Republican alike—found an excuse not to come before Congress and to wage wars of varying magnitude.

It is curious, when you look back after World War II, at the debate on the formation of NATO and of the United Nations, how careful the Members of Congress from both political parties were to preserve the authority of Congress to declare war, to make certain that we would not delegate that authority to any international institution or any treaty organization. Time and time again during the course of that debate we were reminded that even as members of the United Nations, even as members of NATO, we were not ceding the power of Congress under the Constitution to declare war.

The steady decline of congressional involvement in the war-making process resulted, of course, in our participation in Korea, in Vietnam, in a dozen other military undertakings without the express approval of Congress.

Last year, I stood on the floor of this institution and asked my colleagues—

Democrats and Republicans alike—to join me in reasserting the principle that Congress, and Congress alone, has the authority to declare war and to engage in any offensive military action. Yes, the President is Commander in Chief and defends American personnel, American territory, and does it without coming to Congress waiting for a quorum and a debate and a final vote before he acts. No one would ever demand that a President restrain that authority to defend this country or its people. But in the case of an offensive military action, one where we were not defending Americans, or our territory, or engaged in some peacekeeping permissive activity, I felt the Constitution was clear. I offered that amendment to the defense appropriations bill last year.

For those who are keeping score at home, they might be interested to know that 15 of the 100 Senators voted in favor of my resolution, and 84 in opposition.

It will be interesting to take the debate on this resolution and the statements made by so many of my colleagues and put them next to that vote and ask them if there has been a change of heart. I think to some extent there has been. I think it is unfortunate that we are considering this particular resolution and that we will have little chance to amend it.

I strongly agree with my colleagues who drafted the resolution that Congress must vote to authorize any escalation of this conflict to include ground troops. I filed an amendment that would prohibit the use of ground troops to invade Yugoslavia unless specifically authorized by Congress. The President said he doesn't intend to use ground troops. He has promised in a letter to congressional leaders that he will ask for a vote of Congress before introducing United States ground forces into Kosovo in a nonpermissive environment.

I think the President must come to Congress before committing us to any ground war. I think it would better for us to vote on that specifically. But I understand that a motion to table Senate Joint Resolution 20 will be made and that it is not likely that I will be able to offer this amendment.

I did vote for Senate Concurrent Resolution 21 on March 23 that supported airstrikes against Yugoslavia. It passed by a vote of 58 to 41. I commend the President and this administration for giving the Senate at least an opportunity to vote before any action was taken. That is a concession that has rarely been made by any President. Most Presidents moved forward as if the Constitution did not exist in terms of congressional authority.

I support the President and NATO's policy. I think we need to have patience and resolve to see the air campaign through. Many have questioned

the strategy of conducting an air campaign without committing ground troops.

This is an important debate. But I believe we had no choice but to start the bombing campaign in an attempt to respond to ethnic cleansing, the genocide in Kosovo. We could not stand idly by and watch it happen.

I have listened to the speeches on the floor from some of my colleagues who take exception to the premise that the United States should even be involved in this conflict. I do not agree with that. Frankly, having been there, having seen literally thousands of people in a refugee camp in Brazda in Macedonia, it is clear to me what is going on. The policies of Milosevic in Yugoslavia are directed toward innocent people.

Time and time again I asked these innocent Kosovars why they left Kosovo—an open-ended question. Time and time again the response was exactly the same. In the middle of the night a knock on the door, people in black ski masks, or otherwise concealed identity, gave them literally minutes to leave: Pick up your babies, pick up your grandparents and whatever you can hold, and leave, because we are going to burn down or blow up your home. If they were lucky, they got out. They got out with a family intact. But many were not so fortunate. They were victims of ethnic cleansing—not just displacement but murder. So many times over and over we hear these stories of murder, of genocide against people, not because they have done anything wrong but because they are of the wrong ethnic persuasion, the wrong culture, the wrong religious belief.

I am not sure what the word "genocide" means technically. But what I have seen is the closest I may come to it in my lifetime in that refugee camp in Macedonia—victims of murder, rape, displacement, genocide, suffering. These are the people forced out of Kosovo.

Some of my colleagues will come to the floor and say that is none of our business, we can't be the policeman to the world; the United States has limited capability, limited responsibility. That is a point of view that I would disagree with but I understand. We certainly cannot police the world. But the fact is, we are part of a NATO alliance which is being tested in terms of its existence and its future. If NATO does not come forward at this moment in time unified and determined to rid Milosevic of his killing fields in Kosovo, the NATO alliance is all but moribund and dead and pointless.

For the 20th century, we have invested so much in American treasures, in American lives to preserve Europe: World War I, World War II, and the cold war—thousands and thousands of Americans fighting and dying for the

stability and safety and security of Europe.

Now in the closing moments of this century are we to walk away from this corner of the world which has been so important in our alliance in the past? Are we to ignore the barbarism being practiced by Slobodan Milosevic? Are we to say that a man who has initiated four wars in 10 years can now start another war if he cares to, find more innocent victims for his policy of ethnic cleansing? Should we, as the United States, step back as the lead nation in this important alliance and declare it is over? I hope not.

I think President Clinton is right. Fighting this war at this moment in time is critically important because it will validate the future of NATO. I hope for a generation, perhaps even a century of peace in a Europe that has been torn with warfare too many times.

The critical question in Senate Joint Resolution 20 is how far do we go. I voted for airstrikes, I mentioned earlier. But this resolution goes further. I read it in its entirety in the resolution clause:

That the President is authorized to use all necessary force and other means in concert with United States allies to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia, Serbia and Montenegro.

I cannot support that. As much as I support the current air war, as much as I support our efforts to stop ethnic cleansing by Slobodan Milosevic, I cannot support committing ground troops. I think that is a mistake.

I made a point during my recent visit to ask military experts how it would be accomplished. How can we send troops in the field and accomplish this goal? Time and time again the answer came back: With great difficulty. We don't have the port facility that we can rely on. Frankly, we can't look at the nations surrounding Yugoslavia and find a ready entry strategy. What we would have to do would be elaborate, costly, expensive, time consuming, and dangerous.

That is why, though I support the air war, I don't support the concept of sending ground troops. I don't believe it is necessary nor practical, and I don't think we should do it. This resolution is open ended and gives the President authority for ground troops and beyond.

Just last week, the House of Representatives considered this issue. I am sorry to say, about an institution where I served for 14 years and one which I hold in the highest regard, that it was not one of their finer moments. It was an aimless, pointless, confusing debate. At a time when the American people needed clarity and leadership from the Congress, they received neither. They voted not to expand the war; they voted not to pull out; and

then by a tie vote they failed to pass a resolution even supporting the current air war in place in Kosovo and in Yugoslavia.

I am not sure what message was sent. We spend a lot of time here on Capitol Hill talking about sending messages as if we are some sort of e-mail source or Western Union. But that was a very confused day for America, and I am sure the confusion was felt around the world.

I hope our vote here does not lead to the same misunderstanding. I think it is likely that this resolution, because it is so broad and open ended, will be tabled. The decision made by that, I believe, that we will continue the Senate approval of the air war, we will not give to this President something he has not asked for—the authority to commit ground troops or whatever other power is in his hands.

How did we reach this point where we have to debate whether Congress will exercise its constitutional authority? I think there are several reasons. By attrition we have given back to the executive branch the conduct not only of foreign policy but of the military as well, without any real reference for the language of the Constitution. We have said fundamentally, Mr. President, it is your decision to make.

I think it reflects many things. I think it reflects historical attrition. I think it also reflects a timidity on the part of Congress in terms of getting its hands dirty, involved in a military struggle that might result in American casualties. That is a sad commentary because the American people count on us to come forward during the course of debate and with as much clarity as possible to explain the choices and to make the call in terms of our military and foreign policy.

I think, unfortunately, this resolution by Senators MCCAIN, BIDEN, and others, does not express the feelings of Congress today. I think if there were a resolution in the Senate as to whether or not we should continue this air war, as the President has proposed, it again will pass as it did on March 23. This idea of expanding beyond goes too far.

I listened to the Senator from Virginia argue earlier that Congress has a very limited, if any, role, when it comes to the declaration of war. I disagree with him on that score. I believe there is an important element here that must be remembered. The words of James Madison aptly summarize the founders of this country and their thinking on this point when he said:

In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. . . [T]he trust and the temptation would be too great for any one man. . . Hence it has grown into an axiom that the executive is the department of power most distin-

guished by its propensity to war; hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.

It is hard to imagine a clearer situation for acting on the Congress' war power than the situation we face with Yugoslavia and Kosovo today.

I have offered a resolution which states that if the President seeks to expand this war beyond the current air war approved earlier by Senate resolution, it would require Senate approval. I think with that type of resolution we would continue to assert our constitutional authority to authorize military activity and to draw clear, bright lines as to the extent that the President can go.

I understand the Senator from Arizona, and I have heard him speak many times on the floor and in the press about his belief that we should give to this President all power necessary to complete the war. I appreciate his point of view, though I respectfully disagree with him. I think that involvement in a ground war could be costly and, frankly, not the result for which the American people are looking.

I hope during the course of this debate several things come through loudly and clearly. First, regardless of your point of view on this resolution, we support the men and women in uniform. Regardless of party preference, we are here in support of their actions. I am proud of what I have seen and what I am sure will continue in their service to this country.

Second, we condemn the ethnic cleansing policy of Slobodan Milosevic. He has picked on innocent victims time and time again, and this type of genocide must come to an end.

Third, any expansion of this war beyond the current military undertaking must be with the consent of the American people through their elected Representatives in Congress. I hope, regardless of what the vote may be on this resolution tomorrow, that that will be a principle which the President will continue to abide by.

I believe NATO has a future. I certainly believe that America has a future in its leadership in the world. We are being tested in the Balkans. I want to pass that test so the 21st century is a century of peace.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I rise today as a cosponsor of the pending resolution authorizing the use of "all necessary force and other means" to address the crisis in Kosovo. I know our vote will be a procedural one, and that the Senate may well vote to table the resolution.

I would therefore urge my colleagues to demonstrate their support for the resolution by joining the distinguished senior Senator from Arizona, Senator MCCAIN, and the Ranking Member of

the Foreign Relations Committee, Senator BIDEN, and others who have co-sponsored this legislation.

I am heartened by this bipartisan support for President Clinton's leadership of NATO efforts to stop the killing in Kosovo and allow ethnic Albanians to return and rebuild their homes under the protection of a NATO-led peacekeeping force.

Mr. President, we are not debating whether our values and interests merit the engagement of our armed forces.

President Bush first issued the so-called Christmas warning in 1992, threatening the use of force if Yugoslav forces moved against Kosovo. President Clinton renewed that pledge soon after taking the oath of office for the first time. Unlike our colleagues in the other body, the Senate clearly voted to authorize the President to conduct air operations and missile strikes against Yugoslavia.

Why did we do so? Why does the fate of ethnic Albanians in a province of what remains of Yugoslavia matter to the American people?

Because fundamental United States interests and values are at stake.

The first is the credibility of the United States as a moral leader in establishing rules of civilized behavior among countries, to take a stand against mass killings and mass rapes and mass expulsions of innocent civilians wherever they occur.

The second is the promise of developed nations banding together to enforce these standards of conduct, as members of NATO are doing through joint military action against Belgrade.

At the fiftieth anniversary Summit, the leaders of nineteen democracies strengthened the Euro-Atlantic partnership so we can more often act—particularly in Europe—in concert with allies who generally share our interests and values and who have the capability to undertake fully integrated military operations alongside U.S. armed forces.

Those nineteen heads of state and government were joined by the leaders of many other nations in the Euro-Atlantic Partnership Council expressing solidarity to address the threat to European security from the Milosevic regime in Belgrade.

Third is the credibility of United States threatening the use of force when appropriate.

We have followed through on declarations made by President Bush and President Clinton. Now we must prevail. Otherwise, our leadership around the world will not be taken seriously, and we may find our interests threatened more in the future.

Fourth, we must stop conflicts early, before a small but intense fire becomes a widespread conflagration.

We must help neighboring states, particularly Albania and Macedonia and Montenegro, confront the challenge of helping hundreds of thousands

of ethnic Albanians driven out of their native Kosovo. We have already seen the pressure which Belgrade has brought to bear by flooding these countries with refugees.

One cannot fully predict what will happen if we do not prevail, stopping these crimes against humanity, this genocide in the Balkans, rather than permitting this abhorrent behavior to become an ordinary means of controlling events.

Finally, I would remind my colleagues, Mr. President, that Milosevic and his police and military forces are killing people and raping women and driving families from their homes based on their ethnicity—they are committing unacceptable acts. We have an obligation and a responsibility to act to stop genocide.

We cannot stand by and allow these massacres to continue and claim to stand for what is right in this world?

Mr. President, the United States Senate has already decided that our national interests and values justify the engagement of our armed forces. NATO air power has struck targets in Yugoslavia for more than a month now.

There are signs Belgrade's will to resist may be faltering. Therefore, we should not be showing weakness, because civilized values will certainly be under assault.

We must have history reflect that such appalling behavior will trigger sharp rebuff by democratic, life-respecting nations.

Milosevic cannot seriously question the military superiority of NATO. Despite some losses, we have managed to sustain a serious air campaign with relative impunity. We have overwhelming force on our side.

Milosevic is instead pinning his hopes on NATO lacking the unity and political will to use the necessary force to prevail.

The time has come to disabuse him of these delusions. This resolution will tell Milosevic that we are prepared to do whatever it takes to halt and reverse his campaign of terror against the people of Kosovo.

Let me address some of the questions raised by my colleagues who may not support the pending legislation: Does this Resolution mean the United States and our NATO allies will fight their way into Kosovo on the ground? Should we not give air power more time to be effective? Why not negotiate an end to the conflict?

The resolution would authorize the President "to use all necessary force and other means, in concert with United States allies. . . ." That would authorize use of resources if the President determines this is necessary. The President has asked us to be patient, to give air power time to achieve Belgrade's acceptance of NATO conditions.

While I am reluctant to wait while the killing and the rapes and the expulsions

continue, as a practical matter it will take some time—perhaps months—to plan and mount a ground campaign. NATO Secretary General Solana has rightly decided to update plans for the use of ground forces to liberate Kosovo and escort more than a million displaced Kosovars back to their homes.

By signaling our readiness to commit ground forces if necessary, we can actually improve prospects for Belgrade's capitulation. In any case, the United States should participate in an international force to maintain stability and protect the civilian population of Kosovo, though our European partners will appropriately take the lead in such an effort.

Negotiations are taking place. Former Russian Prime Minister Victor Chernomyrdin, United Nations Secretary General Kofi Annan, and others are trying to mediate a solution. This is all well and good, so long as these mediators understand that we will not negotiate away the principles NATO has set out as conditions for an end to the bombing.

We all appreciate Reverend Jesse Jackson's courageous intervention to secure the release of the three American soldiers captured on the Yugoslav/Macedonian border. However, we cannot accept the ostensibly humane act of their release as a license for Milosevic's forces to continue the mayhem, rape, and killing they are committing even as we speak.

Mr. President, I ask unanimous consent to have printed in the RECORD a description from the New York Times of a singular atrocity.

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

[From the New York Times, May 3, 1999]
SURVIVOR TELLS OF MASSACRE AT KOSOVO
VILLAGE

(By Anthony DePalma)

KUKES, ALBANIA, MAY 2—It lasted no more than three minutes, three minutes of savagery unleashed without even a word. "They just started shooting and I got hit in the shoulder, the dead bodies behind me pushed me over the cliff and into the stream. I was lucky because all of the dead bodies fell on top of me."

Isuf Zheniqi, who said he survived when 58 men died in a massacre near Bela Crkva in southwestern Kosovo more than a month ago, speaks out hesitantly, fearing Serbian forces might take revenge on members of his family still in Kosovo.

But after crawling out from under the bodies of his relatives, neighbors and friends, with a bullet from a Serbian automatic rifle embedded in his right shoulder and horrors filling his head, he has carried around the names of almost all the men who died that day.

In crimped handwriting he puts them down on the pages of an address book, name after name of old men, young boys, teenagers and men, like himself, who were suspected by the Serbs of belonging to the Kosovo Liberation Army, which is fighting to make Kosovo independent from Serbia.

He remembers the names of all but one. But he knows there were 58 because he

helped bury them, each one with a written name.

As refugees from Kosovo continue to flee across the border, the accounts of atrocities committed by Serbian forces in Kosovo multiply: a killing spree in the village of Velika Krusa, the rampage of troops through the streets of Djakovica, the slaughter of up to 100 men in the village of Meja.

Accounts from different refugees are consistent enough to lend a great deal of credibility to some. But eyewitness accounts by survivors like Mr. Zheniqi are rare, either because the killing was done efficiently enough to prevent survivors, or because the sheer terror of minutes like those on the embankment at Bela Crkva prevents survivors from recounting their ordeals.

Mr. Zheniqi said that when he was brought across the border by relatives he told human rights investigators what had happened at Bela Crkva. But until now, he has not given journalists a full account of his experience.

Human Rights Watch separately interviewed Mr. Zheniqi and four other witnesses, who corroborated parts of his account.

Mr. Zheniqi was the only one who testified that he saw the actual killing, Human Rights Watch officials said. Four women who were separated from the men at Bela Crkva heard the shots as they were walking to Zrze and later returned to see the bodies.

And other refugees told Human Rights Watch that they were among the group of 20 or so people who returned the day after the killings to bury the bodies.

"All the witnesses gave us highly credible and unusually consistent accounts of what happened at Bela Crkva," said Fred Abrahams of Human Rights Watch. "They corroborated what the eyewitness told us."

The other witnesses appear to have left Kukes since they were interviewed. It was impossible to confirm the killings independently, beyond the refugee accounts, since reporters and independent investigators have been unable to visit that area of Kosovo since the bombing started.

Today Mr. Zheniqi lives in a Kukes pool hall, with his daughter and her family. He cannot use his right arm because of the bullet wound, and during the days he can often be seen dozing in the sun outside the pool hall, trying to steal some moments of the rest that eludes him every night because of his terrible dreams.

"My daughter tells me 'Father, sleep, why don't you sleep?'" Mr. Zheniqi said. "But I can't. All those dead bodies on top of mine. When I meet someone from Kosovo and they ask me what happened, I cry. I'm embarrassed, because I'm 39 years old and I'm crying."

The slightly built farmer, who worked for eight years in Switzerland before returning to the fertile soil of southwestern Kosovo, said that before the turmoil in Kosovo began over a year ago, he had almost no contact with Serbs living nearby.

But the area was a known stronghold of the Kosovo Liberation Army, and the Serbs were advancing ruthlessly on rebel positions, including the area of Bela Crkva. Mr. Zheniqi said that he was not a member of the rebel force and that none of those killed had any connection to the Kosovo Liberation Army.

At 9:30 in the morning, Mr. Zheniqi said, 16 special policemen appeared, shooting their automatic weapons in the air. Two families had strayed from the group and Mr. Zheniqi said the Serbs opened fire, killing every member of both except for a 2-year-old boy who had been protected by his mother.

"She hid the baby in front of her and saved him," Zheniqi said. His lips quivered and he could not talk. When he continued, he said, "I saw this with my own eyes, maybe 150 feet from me."

The Serbs then shot their rifles in the air again and shouted, in Albanian, "Get up and come here."

The villagers climbed up the banks of the stream with their hands over their heads. When they reached the train trestle, the men were separated from the women and children, and ordered to strip down to their undershorts.

About 3:30 A.M. on March 25, on the First night of NATO bombings in Yugoslavia, Serbian forces started their operation, Mr. Zheniqi said. He said he saw about a dozen Serbian tanks take positions in Bela Crkva. "One was in front of my house," he said. Anticipating violence, he took his family and his brother's family—17 people in all—and ran to the nearby mountains to hide.

When the streets again fell silent, they returned, thinking the tanks had moved on. But they hadn't. Smoke soon rose from the houses of Bela Crkva that were closest to the road from Prizren to Rahovec. Mr. Zheniqi and his family fled again, this time scrambling down the deep banks of a large nearby stream. It was about 4:30 A.M.

"The people from the whole village started to collect there in the stream," he said. They went to a place he called Ura e Bellase, where a train trestle crossed the stream. About 800 villagers tried to hide beneath the bridge.

After daybreak, the villagers tried to move toward Zrze and Rogovo, two nearby hamlets they thought would be safe. But Serbian snipers followed their movements.

The police then went through their belongings, Mr. Zheniqi said, taking anything of value. A local doctor trainee, Nesim Popaj, tried to talk to the police in Serbian because his nephew, Shendet Popaj, 17, had been thrown on the ground and was under a policeman's boot.

"The Serb looked at the doctor, said just two or three words, and told him to move over a bit," Mr. Zheniqi said. "Then he shot him. We were shocked. The man was a captain using an automatic rifle. He wore a green camouflage uniform, and on his shoulders were stars. I don't know his name, but he was tall and he had a scrunched-up mouth. I could recognize his picture easily."

The women and children were sent to Zrze. The men were allowed to get dressed and then were forced to move over to the high ground above the stream. Mr. Zheniqi was in the first line, at the edge of the stream bank, with many men behind him.

"We tried to say something to the Serbs but they didn't let us," Mr. Zheniqi said. "If we tried they just said, 'Shut up.' We all cried. Sahid Popaj cried from the moment we were forced to take off our clothes to the moment he died. He just cried."

The shooting started without a word from the policemen. Several of them standing just behind the villagers opened fire with automatic weapons. Being farthest away from the gunmen provided Mr. Zheniqi with some cover, but he was struck by a bullet in his right shoulder. The shooting lasted about three minutes, he said. The weight of the men falling behind him pushed him over into the stream.

He fell about six feet, landing in the water. "At that moment, I was just thinking of getting to one stone and from there holding my head above the water. I stayed there like a dead man for a total of maybe 20 minutes."

The terror has not ended. The policemen lowered themselves down the embankment.

"I heard someone telling a guy in the stream: 'He's breathing, shoot him; he's breathing, shoot him,'" Mr. Zheniqi said. They found nine men who had hidden themselves in the bushes, and killed them.

He waited another 15 minutes, and when all was quiet he pulled himself out from under the weight of his dead friends and relatives. That was when he saw the extent of what had happened in Bela Crkva. "There in the stream, I saw terrible things: men without eyes, men with half their heads blown off."

He staggered to Zrze, where he found some of his family and told them about the killing. He said the men organized a group to go back to the stream, but Mr. Zheniqi was not among them. He said they found four other survivors, and piled them into the wagon behind their tractor, dodging sniper fire. On the way back, two of the survivors died.

The following day, about 20 villagers from Bela Crkva returned to the stream to bury the dead. Already, they were thinking of justice and the memory of those who had been mowed down in three minutes.

"We wrote the names of all the dead on separate pieces of paper," Mr. Zheniqi said. Then we put the papers inside plastic soda bottles. There was one name in each bottle. We put the bottle inside the grave, not on top. And we buried them, not far from the stream."

Mr. LAUTENBERG. Mr. President, our cause is just. Our objectives are reasonable. President Clinton has thus far insisted that Kosovo be granted substantial autonomy within the borders of Yugoslavia.

We should be prepared to do whatever is necessary to prevail, to stop the killing and the rapes and the expulsions, to reverse ethnic cleansing.

We must stand up for what is right. I hope my colleagues will agree and will join me in supporting this legislation.

Mr. President, I plan to vote against the motion to table the Resolution. I believe the Senate has the right and the responsibility to clearly address this issue.

And I hope that this Senate, given the opportunity to vote on the Resolution, will rise to the occasion and clearly authorize the President to do what it takes, together with our NATO allies, to prevail over the Milosevic regime, to stop the killing in Kosovo and help bring peace and stability to a troubled region of Europe.

I yield the floor.

Mr. THOMPSON. Mr. President, on its face, this resolution is hard to challenge. Of course, we want to do whatever it takes to win a conflict we are engaged in. However, voting for this Resolution, while appealing to my instincts, would go against what I believe to be my obligation. This Resolution is essentially a Declaration of War—a Declaration of War that the President hasn't even requested. It would give to the President a blank check for an indefinite period of time, regardless of any changes in circumstances. It does not even require that we act in concert with our NATO allies.

Congress's Constitutional authority to declare war presupposes that the

President will support such action. In each of the five wars for which Congress has passed Declarations of War, none have come without a specific presidential request. This resolution today, however, would grant the President authority he has not sought, based on the War Powers Resolution he does not recognize, to fight a ground war he has promised he will not undertake.

If the Commander in Chief decides that we need ground troops in Yugoslavia, then he should come to the Congress and request them. At that time, the Congress would have the opportunity to ask certain questions, such as:

What are our vital national interests here?

What are our military and political objectives?

Do we propose to take Belgrade or parts or all of Kosovo?

How do we propose to get our troops into the battle area?

How many troops will it take?

How many casualties do we expect?

What will be the make up of the NATO ground forces?

e.g., how many U.S. troops?

How long will it take us to achieve our objectives?

How thinly spread will we be left in other places in the world where we have military commitments?

What is the overall commitment level of our NATO allies, both with regard to such an operation and with regard to its aftermath?

When and if that time comes, I will ask these questions and others and listen carefully to the answers. I will give it careful consideration and cast my vote depending upon the circumstances that exist at that time. If we pass this Resolution now, however, I fear that these important questions will never be answered.

When Congress was first consulted with regard to the air campaign in Yugoslavia, it was done almost as an afterthought, after the Administration had already made its decision to begin bombing. Many of us felt at the time what we should all now know with certainty—that Administration officials had not adequately considered all of the ramifications of what they were doing. On the heels of that experience, should Congress now, when the stakes have been raised much higher, authorize and even pressure the Administration to fight a ground war that they are clearly not prepared to fight? Does the Senate not want answers to why and how a ground campaign would work—the kind of answers that we should have demanded before the Senate voted to approve the air campaign?

And with regard to the timing of this resolution, some now suggest that more time should be devoted to debating this issue and I agree. However, this argument is being made a little

late. It would have been more helpful if we had had a more extended discussion of this issue at a time when it might have had more relevance—before the final decision for the bombing campaign was made. At that time, the President should have explained to the Congress and the American people why going to war in the Balkans was in our national interest. We should have demanded it. However, he didn't and the Senate, after a debate under a 30 minute time agreement, gave pro forma approval to a decision that had already been made.

And now in the middle of a bombing campaign that the President still says will achieve our objectives, we are asked to cast another vote that will have no effect. So be it. But I would hope that in the future we would take up these matters earlier in the process and not let the President present them to us as a *fait accompli*. Perhaps then the two branches of government could come together with some unity of purpose and we could all go to the American people with a clear message about our intent and about our interests. What we are witnessing now in the disunity of the Congress and among the American people is the result of our failure to do that.

Mr. KOHL. Mr. President, I will be voting to table S.J. Res. 20, which would authorize the President to use all necessary force against Yugoslavia.

On March 23, I voted along with 58 of my colleagues to authorize the use of air strikes against Yugoslavia. I deplore the actions of Slobodan Milosevic, a dictator who has caused pain and suffering for all the peace-loving people of the region. The decision to launch airstrikes was made only after the Administration and NATO worked diligently to bring a peaceful resolution to the conflict in Kosovo. There was, and continues to be, an international consensus that Milosevic's actions demand our continued use of air power. I continue to hope that air strikes will pave the way for an end to hostilities in the region, a return of refugees to Kosovo, and an autonomy arrangement that can be supported by all. The possibility of a diplomatic resolution to this conflict is very much alive.

Thus, the resolution before us today is premature. The President has not indicated that he intends to expand the use of force here, he has not indicated any immediate plans to use ground troops, nor has he asked us to fund such an expansion of the conflict in Kosovo. Thus, I must vote to table this resolution.

Mr. GRASSLEY. Mr. President, I rise today with deep concern over the Clinton Administration's policy regarding Yugoslavia and Kosovo.

I have observed, over the past year, an Administration policy characterized by a lack of vision regarding events in

the Federal Republic of Yugoslavia. In recent months, the American public has seen the conflict in Kosovo explode onto the front pages of newspapers and dominate primetime television news. This conflict, however, is not new. It stems from centuries of tension and a decade of deteriorating relations between Serbs and Albanians in Kosovo, made worse because of Slobodan Milosevic's rule over the country.

I do not want to downplay the seriousness of Milosevic's action in Kosovo. Milosevic has treated the Kosovar Albanians in a barbarous manner. But, have NATO airstrikes solved this problem? No. And the sad fact is: United States policy has—if nothing else—unfortunately speeded up Milosevic's campaign of terror in Kosovo.

And now, with our men and women risking their lives over the skies and on the ground in the Balkan region—we must take time to evaluate past policy and determine how best to move forward toward peace while making wise use of limited military resources.

Military intervention should be the method of last resort in any conflict. Once all efforts have been made to resolve a conflict peaceably—the only way to conduct military operations is with a clear vision of goals to be achieved—goals backed up by sound military advice, common-sense wisdom with maximum objectivity based upon factual evidence.

I follow the Colin Powell doctrine on military operations—you should not get into a military situation you don't know how to exit. In other words, have plans on how you're going to get out of the situation. And, if you do initiate a military operation—you should go in at the beginning with enough force to ensure victory.

A critical miscalculation in Clinton's Kosovo policy was the president's outright statement that ground troops would not be introduced into the region. It was an impassioned, emphatic statement. And it signaled to the world that—right out of the gate—the United States was not serious about this mission. Not only were the military goals vague, but the means to achieve those goals were laid out clearly for Slobodan Milosevic to see. Milosevic knew he had time to further his own twisted goals in Kosovo and has succeeded in wreaking havoc on the region while dodging NATO missiles.

Therefore, we are in a situation where "gradualism" is being practiced. This was Clinton's only way of his misstatement regarding ground troops. I say "gradualism" because the Administration has already set the stage for troops to be on the ground—regardless of what Congress says about it. First, United States ground forces were sent to surrounding countries to aid in humanitarian efforts. They were followed up by support troops for air divisions—

troops to support the Apache helicopter division—troops to support artillery to support the Apache helicopters. Soon, we will need troops on the ground to protect troops already on the ground. I think it's fair to say we are in a ground war even though we don't have United States military forces on the ground within the geographical confines of Kosovo.

Today we are debating a resolution to give President Clinton the authority to use "all necessary force" to achieve Clinton Administration goals in Kosovo. I understand this resolution inadvertently triggered the War Powers Act, which requires a vote. But, the president not only hasn't asked for this broad-ranging authority, he still maintains it isn't needed. Some of my colleagues wish to affirm the president's authority regarding our involvement in Kosovo. I cannot support such a resolution.

I cannot support a policy lacking common sense. I cannot—with a clear conscience—provide limitless authority to an Administration which has failed to demonstrate an understanding of the consequences of its policies. We must have a defined goal—and I'm talking more defined than the United States diminishing Slobodan Milosevic's "capacity to maintain his grip and impose his control on Kosovo."

What is our goal? To destroy all Yugoslav military forces and control the entire Federal Republic of Yugoslavia? To occupy Belgrade? To expel Milosevic's forces from Kosovo?

This resolution will not move us closer to a clear goal—a clear strategy.

I support our men and women who are risking their lives—even at this moment—for the sake of NATO's reputation and Clinton's military policy. I condemn Slobodan Milosevic's reprehensible actions in the Kosovo region.

I seek clear military goals and concise, appropriate communication from our nation's commander-in-chief. Congress and the people of the United States are waiting.

Mr. ASHCROFT. Mr. President, I rise in opposition to S.J. Res. 20 to authorize the use of all necessary force in the NATO operation against Yugoslavia. Taking such a step at this time is imprudent, particularly in light of the poor management of the ongoing air campaign against President Milosevic. Nothing in the operation to date indicates we have defined strategic goals in Kosovo or summoned the political will to achieve those goals. Clearly, this is not the time to authorize the Administration to escalate a strategically flawed and poorly managed campaign in the Balkans.

A lack of foresight and planning has defined both the air war and the refugee relief effort, allowing Milosevic to seize and keep the initiative. The air

war has been waged in a classic Vietnam-style fashion of escalation. Two principle elements of war, surprise and overwhelming force, have been sacrificed to the political whims of our European allies. The first three weeks of bombing in Allied Force were comparable to one day of bombing in the Gulf War. NATO has waited a full month before targeting Yugoslavia's electrical and television networks. In the Gulf War, such assets were destroyed in the first two days of the conflict.

Even as the President sends additional planes and personnel to enhance NATO's firepower, a lack of leadership continues to undermine our efforts to punish Milosevic. According to statements by NATO Military Committee Chairman, General Klaus Naumann, Apache helicopters will not be sent into Kosovo, but fire into the province from Albania. NATO Commander General Wesley Clark is requesting additional planes, but NATO is running out of basing areas in the Balkans. A lack of preparatory work to have these facilities ready has delayed 400 planes being deployed to the region. NATO has an oil embargo on Yugoslavia but will not use force to stop shipments into the country.

The refugee crisis has been compounded by poor planning for the relief effort. Before the air campaign began on March 24, the Administration had enough food in the region to feed 500,000 people for five months. Almost two-thirds of that amount was stationed in Yugoslavia, however. For relief supplies such as tents and blankets, Belgrade was the only staging area for the U.S. Office of Foreign Disaster Assistance.

Clearly, the Administration's record to date on Kosovo is not a basis upon which to authorize the use of "all necessary force." The Administration misjudged the enemy and started this war with inadequate means. Now that we are engaged, we need to deploy overwhelming air power to accomplish our objectives. I want to see an aggressive air campaign waged before we take the next step of deploying thousands of ground troops to the Balkans.

We should be patient and allow an aggressive air campaign to take its toll, but the air war must be combined with better political leadership if our objectives are to be achieved. An inability to explain why the United States is engaged in Kosovo has plagued this operation from the beginning. Until the Administration has demonstrated the political leadership to define and achieve clear objectives in Kosovo, authorizing the use of ground forces is ill-advised.

Mr. GRAMS. Mr. President, as a strong critic of the Administration's policy in the Balkans, I am uncomfortable expressing my reservations now that we are in a state of war. The U.S.

forces conducting air strikes against Serbia have my full support as they go into battle even though I do not support what I believe to be an ill-defined mission.

Mr. President, I opposed the resolution authorizing the President to bomb Serbia, because I did not see how bombing Serbia would end the atrocities being committed, bring about stability in the region, or lead to greater political autonomy for Kosovo. And I am going to oppose this resolution as well. The Senate should not be moving to authorize the President "to use all necessary force"—when the President has not asked us for that authority—and when the President has given every indication that he has no intention of moving in that direction. I know that the authors of this resolution have the best intentions, but I do not think that it is prudent to push the Commander-in-Chief towards putting U.S. troops on the ground. If the President believes that ground troops are necessary, the President should come to the Congress, clearly explain his objectives and how the use of force can achieve those specific goals. Then, and only then, should the President ask Congress for authorization to use ground troops. That is the way to proceed.

Mr. President, the only lasting solution to this conflict in the Balkans is a negotiated agreement where both sides agree to live with the results. It is inevitable that Russia, and other traditional Serb allies, will play a role in this process. But given the record of the UN in Bosnia, the peacekeeping force would be more credible if it was under a different organization's control. OSCE member nations who did not participate in the NATO bombing campaign could provide a credible force. The conflict between the Serbs and the Kosovars will not end with a NATO defeat of the Serbs, just as it didn't end with the defeat of the Serbs by the Turks in Kosovo in 1389. The conflict will continue to flare unless a political solution is found to this intractable problem, so I urge the Administration to actively engage in finding a negotiated settlement to this conflict which will lead to a sustainable peace in the Balkan region.

Mr. FRIST. Mr. President, for a deliberative democracy, going to war is an agonizing task. It is a slow, cumbersome, sometimes combative process itself. It is discomfiting to all.

With regards to Kosovo, I understand the President's vision of what our world should be and what the United States' role in such a world should be. I believe I also understand the foundations of his vision of the role of the United States in a Europe fundamentally different than the one into which NATO was born—where barbarians are not allowed to butcher, and where long term stability on the continent must be defended to maintain the standard

of living we have fought so hard to achieve.

I also understand the intent of the authors and sponsors of this resolution. For our Nation to prevail in war, both the citizenry and the Congress must be united behind the Commander in Chief during times of war. I commend my colleague from Arizona for his intent.

As Members of the Senate, we must make no mistake about the importance of this vote, but we must also keep in mind the three critical interpretations this vote represents, regardless of the specific wording of the resolution:

First, this vote will be interpreted as a vote on whether we approve of the President's strategy so far—a strategy which seems to have initially failed to achieve at least one of our primary goals: to stop ethnic cleansing in Kosovo.

Second, this vote will be interpreted as a vote on what we believe the role of the Congress should be in the future prosecution of this unfolding war.

Third, and most important, this vote will be interpreted as a statement on whether we are willing to commit ground troops to invade Yugoslavia, and whether we are willing to risk a considerable sum in blood and treasure to meet those goals.

On all three accounts, the vote on this resolution is premature. The wisdom or failure of the President's strategy cannot yet be fully determined. More important, at the current time in our military campaign, with the decision of what means will be employed to achieve our ends still undetermined, it is premature for Congress to relinquish any future authority to say how this war will or will not be conducted.

While I said that I fully appreciate the importance of an unencumbered Commander in Chief, I also believe it is necessary for Congress to retain its limited but critical Constitutional role in declaring war. Such a vote, where that limited authority would be relinquished now at a time prior to the President specifically seeking it from the Congress, is tantamount to approval of the deployment of ground troops to invade Kosovo or other parts of Yugoslavia. That is a blessing I am not willing to give at this time—when the Commander in Chief has not even sought that approval.

Because the resolution is premature, I will not support it now. If the Commander in Chief believes this war must be expanded beyond the air campaign, he will have every opportunity to seek that authority. I will listen thoroughly and fulfill my Constitutional duties at that time.

For now, I will vote to table this resolution because such a vote does not tie the President's hands more than he has already. I certainly will not give aid and comfort to our enemies by voting against the possibility of using ground troops. My vote allows the

President full range of options but does underscore my insistence that he more adequately address his rationale before the U.S. Congress and the American people before committing ground troops to battle.

Mr. MCCAIN. I yield 15 minutes to the Senator from Connecticut, Senator LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I have been privileged to join with the Senator from Arizona, the Senator from Delaware and others, in cosponsoring this resolution. So I have listened with considerable personal interest as one after another of our colleagues have expressed their points of view. I joined with Senator MCCAIN and Senator BIDEN and the others in cosponsoring this resolution as a way to express my personal support, and hopefully on a bipartisan basis—and the cosponsors of this resolution are a broad and bipartisan group—to give the Senate an opportunity to express our support for the objectives that NATO has adopted in entering the conflict in the Balkans and that the United States and this administration have, of course, subscribed to. Let me read what those objectives are:

That the Federal Republic of Yugoslavia, (Serbia and Montenegro) . . . withdraw its military, paramilitary and security forces from the province of Kosovo, [that the Federal Republic of Yugoslavia] allow the return of ethnic Albanian refugees to their homes, and [that Serbia] permit the establishment of a NATO-led peacekeeping force in Kosovo.

In light of all the blood that has been spilled, in light of the horrific scenes that we have all not just heard about, not just heard rumored, not heard speculated about, but seen with our own eyes on television, heard the eye-witness reports on television; of all the horrors that we have been forced to witness again that have occurred in Kosovo—when we think of all of those objectives of the NATO campaign, the NATO effort, the NATO war in the Balkans, they are extremely reasonable and extremely just.

So I joined with my colleagues in offering this resolution as a way to restate clearly and simply what our objectives are here and to say that we want to support the President of the United States. We want to support the President of the United States in the decision he has made to join with our allies in NATO to carry out this cause. We want to say by this resolution, so strongly do we believe in this cause, that we are prepared to give this President, as the resolution says, authorization “to use all necessary force and other means, in concert with the United States allies, to accomplish United States and NATO objectives,” that I have just described.

To me, it is an opportunity, broad-based, simple, fair, direct, not just to stand together on a bipartisan basis in

this Senate, but to stand together in support of the policy that this administration has adopted in support of our NATO allies and, in doing so, to send a message to the enemy, to Mr. Milosevic—who we are reliably informed began this invasion of Kosovo, this massacre, this massive expulsion, as others have said before me tonight and earlier today, based on the ethnic history, identity and religion of the people being expelled—to say to Mr. Milosevic, who, again, we are reliably informed, began his evil deeds in Kosovo with the hope and the belief that the NATO allies would soon break their cohesiveness, would not hold in the face of this onslaught and his clever diplomatic moves, he was wrong.

The NATO allies were here just a week ago. They spoke with unity. They strengthened their ranks. They came together. They agreed to intensify the effort against Milosevic and they have done so in the ensuing week. Those of us who have brought this resolution before the Senate have done so with the hope that we might also make clear to Milosevic that the other belief he had, that he could divide the American people and their Representatives here in Congress, was false. It was in vain. It was folly.

That is the spirit in which this resolution was offered. I have listened to my colleagues speak, and, as others who have spoken before me, it seems clear to me the motion to table this resolution will be agreed to tomorrow. I have heard three or four different reasons given for that. I would say the majority of reasons are procedural, and I understand those. They are not substantive. They do not go to the heart of the policy that we, the sponsors of this resolution, have intended to convey. Some of my colleagues have said the resolution is not needed; it is premature.

What NATO is doing now is carrying out the aerial bombardment of Serbia and military sites in Kosovo. The Senate has already authorized that, to our great credit, on a bipartisan basis. Almost 60 percent of the Senate voted almost a month ago, as the air campaign began, to authorize and support, if you will, the President and NATO in that effort—that valiant effort, that effort that has been conducted by the men and women in uniform for all the NATO countries and for ourselves. I am proud to cite the tremendous courage and skill with which our military personnel have carried out that effort. The Senate distinguished itself in support of that effort. Unfortunately, the House did not do so last week and sent a mixed signal. But I understand some of my colleagues have said tonight the Senate has already spoken on the military effort that is part of this battle against Milosevic, so we need not speak now in more width or depth.

What others have said—the second reason I can hear—is that the President is not asking for this authorization. In fact, since we introduced this resolution, S.J. Res. 20, the President has indicated both at meetings in the White House with a broad, bipartisan group of Senators, and publicly, if it came to a point, which he hopes and believes we will not reach—and of course we all hope we will not reach—when it became clear, tragically, that the Milosevic leadership in Serbia was remaining what I would describe as insanelly intransigent in the face of a devastating air campaign against that country—which some experts say, analysts say has already set back the Serbian economy a decade, some say even more—if Milosevic remained intransigent, the President has said, and he was forced to reconsider the statement he has made that he does not believe we need to employ ground forces there, that he would come to Congress and ask for our consent. So I understand some of our colleagues have said, therefore, that this resolution is premature.

There are others, and I hope and believe, as I will say a little bit later on, that they are in the minority here, who do not support this effort at all, who want to see us negotiate a settlement or, worse, negotiate a settlement with a regime that has blood on its hands, that has violated the values that we hold dear, the humanitarian values, as we have all seen. We know what is happening. This is a regime in Belgrade that has carried out aggression, that has aimed at destabilizing Europe; a regime that, over the last decade, successively has invaded Slovenia, Croatia, Bosnia, and now Kosovo.

This is a regime that, evidence leads us to conclude, by its policies has brought about the death of hundreds of thousands of people. That is what this is about: Destabilization, aggression, ethnic cleansing and genocide in Europe at the end of this century, challenging the premise that brought about the creation of NATO 50 years ago, which was not just to defend against a Soviet invasion of Western Europe, but was to uphold the principles for which the then recently completed Second World War was fought, which were freedom, human dignity, democracy. Sometimes, as I watch the slaughter continuing, the expulsions continuing in Kosovo, as I think of the history of Serbia and Milosevic for these last 10 years, I just say to myself: Have we not learned the lessons of this century, of the last 60 years of this century?

Why did we fight the Second World War and the cold war if not to establish the principle that it was in America's security interest and, of course, even more intensely and intimately in the security interest and the principal interest of our allies in Europe not to allow tyranny, brutality, communism

to exist in Europe? It threatened the stability of that great region with which we have historic ties, with which we have extraordinary economic ties, which contains the heart of our alliance, the strength of the partners we would turn to, not just when in crisis in Europe, but when in crisis anywhere in the world, as we did in the gulf war. Whom did we ask to stand by our fight, to fight by our side? Our allies in Europe, first and most significantly.

Will we allow this century to end having fought the Second World War, made vivid in the Spielberg movie, "Saving Private Ryan"—did those Americans fight that extraordinary fight with that unbelievable courage, lose their lives, so that a dictator, bent on the same kind of aggression and ethnic genocide at the end of the century, would be allowed to work his evil will in Europe?

Did we spend billions of dollars and stand face to face with Communist tyranny for the long years of the cold war, did President Reagan lead us to the great final victories in the cold war, so less than a decade later we would allow a Communist—what is Milosevic? He is an unreconstructed Communist dictator—that we would allow a Communist dictator to work his will in the heart of Europe and in the backyard of NATO, that we would stand by and do nothing? I hope not.

I take issue respectfully on the merits, as I see them, with those who oppose this resolution because they do not think we should be involved. But I understand those who say, as my colleague from Illinois said a moment ago, that the Senate is not ready to make the statement contained in this resolution.

As a cosponsor of this resolution, as one who worked with Senator McCAIN, Senator BIDEN, and others to fashion this resolution, I have already made the statement, I have already come to the conclusion, so I will stand with all of my colleagues who have cosponsored this resolution and whom I heard speak up to now on this debate, who say they will oppose the motion to table.

We are ready to vote, and we will vote tomorrow morning against the tabling of this resolution. We will vote against the tabling of the resolution with the confidence that if the President is wrong and the air campaign does not bring this war to an end, not on any weakened terms, but on the terms we clearly state in this resolution—the Serbs out, the Kosovars back in to live in peace, and an international peacekeeping force there—then we will return.

Those who have said that they are not prepared now to vote for this resolution, those who have said this is merely a procedural vote—and I understand that—those who are essentially voting to table not because they are against, as I hear them speak, the substance of this resolution—

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

Mr. McCAIN. Mr. President, I yield 3 additional minutes to the Senator.

Mr. LIEBERMAN. I thank the Senator.

I am confident if that day comes—and, of course, I hope it does not come. But if we are not able to achieve the victory we must have here, that NATO must have to remain credible, the United States must have to remain credible, that we must achieve so that all the bullies, the thugs and the dictators, wherever they may be—in Asia, the Middle East or anywhere else—will not see an opportunity to take advantage of us, if we return at that point to the Senate and ask for support for the next necessary means to achieve our objectives, I am confident that on that day a bipartisan majority in the Senate will not walk away from the field of battle with the enemy having achieved the victory, will not yield to the forces of ethnic cleansing and ethnic slaughter and ethnic expulsion but will stand together, united across party lines, to support our soldiers in uniform, yes, indeed, our NATO allies, of course, to support the principles upon which this country was founded, which are at stake in Kosovo today, and to support the administration in the full conduct of this effort.

This is one of those defining moments. Tomorrow's vote is not the defining moment. Tomorrow's vote is, if you will, an early round in the debate in which a majority of Members are not prepared to vote for this resolution. If necessary, I am convinced on another day that they will, and I am convinced that that is very much in the national security interest and in the national moral interest of the United States of America.

I thank the Chair, and I yield the floor.

Mr. McCAIN. Mr. President, I continue to be pleased and proud of the Senator from Connecticut for his intellect, his insight, and his courage. I thank him for his remarks tonight, but also his steadfast adherence to lessons of history. May I point out that he is joined in his views by former Secretary of State Eagleburger, former National Security Adviser Brent Scowcroft, former Secretary of Defense Weinberger, former Secretary of State Warren Christopher, and a broad array of other leaders who have led this country throughout the last three decades. I am proud Senator LIEBERMAN is one of those as well.

I yield 10 minutes to my dear and beloved friend from Georgia, Senator CLELAND.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Arizona, my dear colleague and friend and fellow Vietnam veteran, for pushing to make sure that this issue of war in Kosovo, war in Yugoslavia, war in

the Balkans receives the time and attention from this great and august body that I think it truly deserves.

I am struck by the fact that in the earlier weeks of this year, all of my colleagues in the Senate gathered on a question of serious constitutional gravity: impeachment of the President of the United States. This is a serious matter equivalent to that, Mr. President, that is, sending young Americans into harm's way. It is a constitutional matter, one that I personally feel strongly about and one on which I am personally conflicted.

As the distinguished Senator from Arizona, I served in Vietnam. I cannot help but think back, on the presentation of this resolution, to the fact that some 35 years ago the Senate voted 88-2 in favor of the Tonkin Gulf resolution which authorized the President to "take all necessary steps, including the use of armed forces," in Vietnam. The House approved that resolution unanimously, 416-0.

It is fascinating that my colleague, my friend, my mentor, Senator Russell, in those days chairman of the Armed Services Committee, and a great student of history, actually succeeded in attaching language which gave Congress the right to terminate the authorization of the Tonkin Gulf resolution at any time by concurrent resolution.

Senator Russell, in those days, certainly spoke against open-ended conflict where the Congress gave wide open authority to the President. He tried to rein in the Executive and preserve the ability of the Senate, particularly, to exercise its constitutional authority and exercise its constitutional role.

But this vote on the Tonkin Gulf resolution served as an unchallenged congressional authorization of war until 1970, by which time, of course, we were deeply involved in the conflict, but no closer, unfortunately, to our political objectives. The way out was long and difficult.

The near unanimous votes in favor of war against North Vietnam in the mid-1960s reflected an apparent certainty of purpose and clarity of message to the President, our adversaries, the American people, and our service men and women. However, future events, as they unraveled, were to show that this hasty congressional action, done for the best of intentions, to display national unity, eventually produced exactly the opposite result—national disunity. And we gave an uncertain reaction to the service men and women—and I was one of those servicemen—who carried out the Government's policies and came back to a divided nation and a nation on its way out of war, not in it. But that process took 10 years, Mr. President.

Growing out of our Vietnam experiences, the Senator from Arizona and I

have taken the Kosovo issue very seriously. For us, it is not an issue—it is a war, a war in which young men and women's lives are at stake. And we come to very different conclusions about what should be done in that war in terms of further military conflict. But we both believe the same thing in one sense, and that is, above all, the Senate must speak, the Senate must debate, the Senate must stand up and be counted in terms of the policy that we are to follow in the Balkans.

For that reason, Mr. President, I urge that the motion to table this resolution be defeated. I shall be voting against the motion to table. We cannot just table a war. We cannot just shunt aside the future lives of young men and women as they are risked at this hour.

It is fascinating how the resolution reads, the last sentence of which says that the President is authorized to "use all necessary force and other means in concert with United States allies to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia." "All necessary force and other means."

Mr. President, to me, that is an echo, a strange ominous echo of the language in the Gulf of Tonkin resolution that passed this body overwhelmingly in the mid-1960s. This got us into deep trouble in Southeast Asia. I see too many similarities between that experience then and the war in the Balkans now. I see a similarity in an open-ended conflict—one with no real military solution in sight, a conflict with no real military strategy to win, and certainly a conflict in which we have no exit strategy from which to disengage ourselves from the war in the Balkans.

Instead, I see a greater Americanized war. I see a doubling of the warplanes—almost to 1,000 now—with the heavy majority of those airplanes being from the United States. I see 5,000 muddy boots on the ground in Albania, all of them American forces, up cheek to jowl, right across the line, with Serbian forces in tanks and dug into the mountains with armored personnel carriers and hand-held missiles, and a tremendous capability of ground fire. God forbid if we launch the Apache helicopters into that forbidden zone.

I say to you, Mr. President, I support further debate. I will oppose the tabling motion, but I will also oppose this resolution on its merits.

I thank the President, and I thank the distinguished Senator from Arizona for the time to speak on this important matter.

Mr. President, I yield back the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Georgia for his always very perceptive and enlightening debates.

I yield the Senator from Michigan, Mr. LEVIN, 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank my good friend from Arizona. Always, he puts his finger on an issue—in this case, on an issue of war and an issue of conscience. And this is an issue of both.

There is nobody who more eloquently or doggedly pursues both issues—war and conscience—and the implications of both. And the experience that he brings—as does our good friend from Georgia, and others—to this body is absolutely indispensable in trying to work its way towards the right conclusion in many of these issues. And I just, again, add my gratitude to what he adds to this body, to this Nation.

Mr. President, while I favor the thrust of the resolution before us, I do not favor its timing, and I will vote to table. I want to just take a few moments this evening to explain this.

The stakes are tremendously high in Kosovo. We simply must not fail. We cannot fail to succeed in Kosovo. NATO must not fail to succeed in Kosovo.

Even before I visited the refugee camps a week or so ago, I felt strongly about this. But meeting with the refugees, of course, reinforces my conclusion about the nature of Mr. Milosevic's ethnic cleansing.

This century of ours began with a genocide against Armenians; it is ending with an ethnic cleansing against the Kosovars; and there was a holocaust in between.

If we want the next century to be freer of the slaughter that this century has seen in so many wars, we simply must support the united action of a united Europe to stop the success of Milosevic in his goals in Kosovo.

Of course, when you read about what the refugees have gone through, and you talk to refugees, it reinforces that determination—the stories of mass executions, mass rapes, the burning of 400 villages by forces that presumably should be protecting those villages, since Milosevic claims sovereignty in Kosovo. But instead of pursuing what sovereigns historically have done, which is to protect people they claim sovereignty over, this particular dictator is trying to destroy the very people of Kosovo.

NATO made a statement last week which is of critical importance. It restates a decision on the part of NATO to prevail. And the only way—the best way, but perhaps the only way—that we are going to have a century next which is more peaceful in Europe and elsewhere than the current century, is if NATO succeeds in its unified determination, as stated in Washington just about a week ago.

Two sentences kind of say it all. And those two sentences are these: "We will not allow Milosevic's campaign of terror to succeed. NATO is determined to prevail."

This has rarely been true in Europe. I am not sure it has ever been true where we have 19 nations, including the United States and Canada, that have come together to try to stop a genocide from succeeding in their backyard.

Europe has been divided before now—France, England on one side, sometimes Germany on another, countries divided into blocs against each other. But now what we have in Europe is the coming together of all of the European nations, making one joint statement about what they will not permit in their own land. “We will not allow Milosevic’s campaign of terror to succeed. NATO is determined to prevail.”

But that unity which is so critical to the success of the mission, I believe, will be negatively impacted if the Senate adopts this resolution that is before us, because this resolution would put this Senate and this Nation ahead of NATO. And we have to work in harmony with NATO, in unity with NATO, in harness with 18 other democracies that have taken a position. And that position is that we are going to pursue, relentlessly, doggedly the success of the military mission and air campaign, the purpose of which is to significantly diminish Milosevic’s military capability.

That is the current mission.

It is hoped the success of that mission will achieve the broader policy objective of being able to return refugees, now over 1 million, to their homes in Kosovo. If that military mission and its success in reducing Milosevic’s capability to keep a stranglehold on Kosovo does not achieve the broader mission of being able to return these refugees, at that point we can consider changing the military mission. At that point we can consider the use of ground troops by NATO.

Is it prudent to plan for that? Yes, it is. In my judgment, it is prudent to plan for it. Would it be prudent, in fact, to carry it out once the groundwork has been laid and Milosevic’s military capability has been significantly weakened? Yes, in my judgment it would be. Most important to the success of this mission, broad and narrow, is NATO’s unity. It is my fear that the adoption of this resolution will put us in a significantly different position than the rest of NATO, in advance of a need to do so.

NATO is unified on an air campaign. It is not yet unified on a ground campaign. The Apaches alone, after their employment begins, will take 30 to 60 days before they have a significant impact on the ground. That is what General Clark, the commander, has told us. That may not be the common wisdom, common understanding, common media message, but that is the truth, as General Clark believes it—that it will take 30 to 60 days for the Apaches to have an effect after they begin to be employed. So the debate over author-

izing ground forces is a premature debate. I believe it will distract us from a current unified mission while we are in the middle of an air campaign.

It is for that reason that, with some reluctance, I am going to vote to table the resolution, the general direction of which I support, because it is so critically important that we be unified and united with NATO allies, that we stay together in planning and in execution of a mission which must succeed. We must not be distracted by a premature debate about ground forces. Prudence and common sense would indicate that we plan for such a contingency, but there is no need for us to authorize it at this time. It seems to me, if anything, it will divide and distract, rather than protect that critical unity which is so essential to the success of this mission.

Again, I commend my good friend from Arizona and Senator BIDEN, Senator LIEBERMAN, and the other cosponsors for their support of a very important position, which is that we now must win. That is the thrust of this resolution. Again, while I support that thrust, I will vote to table for the reasons indicated.

I thank the Chair and, again, thank my good friend from Arizona.

Mr. McCAIN. Mr. President, I thank my friend, the Senator from Michigan. May I just point out, he made the point that it took a month or two to get the Apaches there. The reason I am urging that preparations be made in case we have to exercise the option is exactly the reason he stated concerning the Apaches. It would take 6 to 8 weeks now for us to assemble ground forces if we decide to use the option.

I am told by some military experts that we now have to worry about the onset of bad weather in the fall, but I do appreciate the remarks of the Senator from Michigan, and I appreciate the results of his trip that he made and the information that he brought back, which I think was very helpful to the entire Senate.

Mr. LEVIN. Mr. President, I thank my good friend. Again, I happen to concur that the planning is prudent and should be underway. It is the commitment to the utilization that I think might divide and distract. Again, I thank him.

Mr. McCAIN. Mr. President, I note the belated appearance of my dear friend from Kansas. I yield him however much time he may consume.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much for allowing me to speak tonight. I recognize my distinguished colleague from Arizona for all he has done on this issue but, more than that, for what he has given to his country. He chairs the Commerce Committee, which I serve on with him, but I have enormous respect for what he

has already given to his Nation, the sacrifice where he put his life on the line in a previous war. Actions speak louder than words, and he spoke with his actions many times. I am enormously proud to know and be associated with him in this body.

Mr. President, the situation in Kosovo is clearly a very serious one deserving of our deliberation and vigorous debate. To this point in time, though, the administration, for my satisfaction, has certainly not provided the Members of the full Senate body with the information needed to make an informed decision on this matter. Therefore, I will vote to table the resolution.

One month ago, I wrote to the President asking that he respond to certain fundamental questions regarding the objectives and the implementation of the NATO mission in Kosovo. To date, I have not received a response to those questions.

What is the objective, I put forward? They have been responding and defining some of that as we have gone along, but more specifically, how do we define success? Is there a coherent and achievable plan of action in place? What price would we pay for this in terms of potential loss of lives? What about the monetary cost? Is escalation in the true national interest of the United States? Those simple, basic questions that I have put forward have not been answered.

Not until we understand the objective of NATO and how that objective will be attained can we make an informed determination with respect to S.J. Res. 20. The administration must provide the answers to these questions, with clarity, with satisfaction, and to the satisfaction of all Members of the Senate. Until that happens, I cannot give my support to the administration in this broad, open resolution.

At such time that it is shown how granting the President the authority to use all necessary force and other means will bring us to a resolution more quickly, or at less expense or other means, then we would be able to consider this proposal in some context.

I note, Mr. President, that I fully support our troops. I appreciate the sacrifices that they are being asked to make to stop Milosevic and the atrocities he has perpetrated against the people of Kosovo. It was several weeks ago that I was in Wichita at the McConnell Air Base meeting with some of the troops and their families before they were shipping off. You could see in their eyes their willingness, their commitment to see this action on through. They asked a number of the same questions that I continue to ask of the President, that I continue not to get satisfactory answers.

Until those are answered, I cannot give my support to this type of authority. It is appreciation for these troops

that makes it impossible for me to support this resolution, until we understand the full plan. Once we know it, then we can debate its merits and determine how best to support the President and our troops. Without that and in clarity of what that plan is, we are making a decision in a vacuum. The situation merits more attention than that.

Again, I note, as I did at the outset, my enormous respect for my colleague from Arizona who has put forward this resolution and his wisdom. His support of this makes me give much more pause to my statement. But these questions have not been answered to my satisfaction. While I respect that and I respect enormously the Senator from Arizona, I cannot in good conscience vote for this resolution at this time.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, may I say to my dear young friend, who I see as one of the rising stars in this Senate—and I can say that with confidence because I have watched very closely, as a member of the Commerce Committee, his involvement with a number of issues—I respect his dissatisfaction with the failure to get an answer to certain fundamental questions that he and, frankly, the people of Kansas and of this country have a right to get the answers to. I understand his position on this issue, and I am in deep sympathy with it.

He makes a compelling case that we should be better informed before we embark on a ground war or consider the likelihood of a ground war. I appreciate his views. The realities on the battlefield, I say to my friend from Kansas, are that it requires a minimum of 6 to 8 weeks to get some forces assembled. So if we don't begin preparations—and I am not saying we would have to use them, but it is of the utmost importance that we do that; otherwise, we will lose the opportunity.

A person that Senator BROWNBACK and I respect enormously, Henry Kissinger, the former Secretary of State, testified before the Senate Armed Services Committee last week. I quote him saying:

On the issue of ground forces, my view is as follows: I have no way of judging what will ultimately be necessary. That is a military decision. But first, it is a mistake to preclude any category of forces and to turn the conflict into an endurance contest.

Secondly, even if one believes that air power will ultimately succeed, which it will may, we nevertheless should make clear not only that we are planning to use ground forces; we should assemble the ground forces that will be needed. This will put a safety net under the bombing campaign because under present circumstances, it is a question of endurance. Thus, Milosevic and the Serbian leadership believe that they can simply outlast us.

If they know that at the end—not even at the end, at some stage in this process—we will insist on using ground forces, I think it will shorten the air campaign.

That was the testimony last week of Dr. Kissinger before the Armed Services Committee. I know of no wiser man than Henry Kissinger, a person who has a great appreciation for history and its challenges.

Because of our failure to even plan, much less prepare ground forces, as Dr. Kissinger, Larry Eagleburger, Brent Scowcroft, et cetera, seek us to do, this gives rise to articles such as were in the New York Times this morning by William Safire. William Safire, who I think is one of the most thoughtful and informed columnists in America, states:

Congress is not only ambivalent about buying into "Clinton's War," it is also of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win, but are merely punishing to settle.

* * * Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

It goes on, Mr. President, in this article to describe exactly the deal that will be cut over time.

* * * Perhaps Britain's Tony Blair will prod Clinton to do better, and all Serbian troops and paramilitary thugs will be invited out of Kosovo. But the returning K.L.A. will find mass graves and will likely lash out at Serbs; after an indecent interval, Belgrade will assert sovereignty with troops in police uniforms.

And what will happen to the principle of no reward for internal aggression? It will be left for resolution to our next President, who, in another test, will have the strength of the people's trust.

Mr. President, I ask unanimous consent that this entire article, along with these other documents, be printed in the RECORD.

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

[From the New York Times, May 3, 1999]

THE PRICE OF DISTRUST

(By William Safire)

WASHINGTON.—Congress is not only ambivalent about buying into "Clinton's War," it is also of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at

the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win but are merely punishing to settle.

Small wonder that no majority has formed in Congress to adopt the McCain-Biden resolution giving the President authority to use "all necessary force" to achieve a clear victory. Few want to go out on a limb for Clinton knowing that he is preparing to saw that limb off behind them.

Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

The answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Proof that such distrust is well founded is in the erosion of NATO's key goal: muscular protection of refugees trusting enough to return to Kosovo.

At first, that was to be done by "a NATO force," rather than U.N. peacekeepers. The fallback was to "a NATO-led force," including Russians. Now the formulation is "ready to lead," if anybody asks, or "a force with NATO at its core," which means Serb-favoring Russians, Ukrainians and Argentinians, with Hungarians and Czechs to give the illusion of "a NATO core."

If you were an ethnic-Albanian woman whose husband had been massacred, sister raped, children scattered and house burned down on orders from Belgrade—would you go back home under such featherweight protection?

Only a fool would trust an observer group so rotten to its "core." And yet that is the concession NATO has made even before formal negotiations begin.

What can we expect next? After a few more weeks of feckless bombing while Milosevic completes his dirty work in Kosovo, Viktor Chernomyrdin or Jimmy Carter or somebody will intercede to arrange a cease-fire. Film will be shot of Serbian tanks (only 30 were hit in a month of really smart bombing) rolling back from Kosovo as bombardment halts and the embargo is lifted.

Sergei Rogov, the Moscow Arbatovnik, laid out the Russian deal in yesterday's Washington Post: (1) autonomy for Kosovo but no independence or partition; (2) Milosevic troops out but Serbian "border guards" to remain in Kosovo, and (3) peace "enforcers" under not NATO but U.N. and Helsinki Pact bureaucrats. As a grand concession, NATO would be allowed to care for refugees in Albania and Macedonia.

That, of course, would be a triumph for mass murderers everywhere, and Clinton will insist on face-savers: war-crimes trials for sergeants and below, a Brit and a Frenchman in command of a NATO platoon of Pomeranian grenadiers, no wearing of blue helmets and absolutely no reparations to Serbia to rebuild bridges in the first year.

Perhaps Britain's Tony Blair will prod Clinton to do better, and all Serbian troops

and paramilitary thugs will be invited out of Kosovo. But the returning K.L.A. will find mass graves and will likely lash out at Serbs; after an indecent interval Belgrade will assert sovereignty with troops in police uniforms.

And what will happen to the principle of no reward for internal aggression?

It will be left for resolution to our next President, who, in another test, will have the strength of the people's trust.

DEAR SENATOR MCCAIN: If the 21st Century is to be a peaceful and stable time, only the steadiness and power of the United States will make it so. That steadiness and power is now being tested; we must not fail. If ground forces are essential to assuring our success, then we must use them.

Sincerely,

LAWRENCE S. EAGLEBURGER.

I strongly support Senate Joint Resolution 20. Its passage will be a strong message of our determination to Milosevic—who may be doubting our resolve. It will also encourage the President to do what is necessary to prevail.

BRENT SCOWCROFT.

Mr. MCCAIN. Finally, Mr. President, a person that I know the Senator from Kansas and I and the Senator from Illinois have enjoyed and appreciated over many years, Margaret Thatcher, who once counseled during the Persian Gulf war for President Bush not to "go wobbly"—I believe she said, "Don't go wobbly now, George"—made a speech the other night for "Project for the New American Century."

I ask unanimous consent that her statement be printed in the RECORD.

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

Margaret Thatcher: Last September I went to Vukovar, a city destroyed and its inhabitants butchered by the soldiers of Slobodan Milosevic. The place still smells of death, the windows weep, and the ruins gape. Around Srebrenica, where neither I nor many other Westerners have gone, the bodies of thousands of slaughtered victims still lie in unmarked graves. In Kosovo, we can only imagine what depravities of human wickedness, what depths of human degradation, those endless columns of refugees have fled. Mass rape, mass graves, death camps, historic communities wiped out by ethnic cleansing—these are the monuments to Milosevic's triumphs.

They are also, let's remember and admit, the result of eight long years of Western weakness. When will they ever learn?

Appeasement has failed in the 90s, as it failed in the 30s. Then, there were always politicians to argue that the madness of Nazism could be contained and that a reckoning could somehow be avoided. In our own day too there has never been a lack of politicians and diplomats willing to collaborate with Milosevic's Serbia. At each stage, both in the thirties and in the nineties, the tyrant carefully laid his snares, and naive negotiators obligingly fell into them.

For eight years I have called for Serbia to be stopped. Even after the massacre of Srebrenica I was told that my calls for military action were mere "emotional nonsense," words which, I think, only a man could have uttered.

But there were also good reasons for taking action early. The West could have

stopped Milosevic in Slovenia or Croatia in 1991, or in Bosnia in 1992. But instead we deprived his opponents of the means to arm themselves, thus allowing his aggression to prosper.

Even in 1995, when at last a combination of airstrikes and well-armed Croat and Muslim ground forces broke the power of the Bosnian-Serb aggressors, we intervened to halt their advance onto Banja Luka, and so avoid anything that might threaten Milosevic. Even then, Western political leaders believed that the butcher of Belgrade could be a force for stability. So here we are now, fighting a war eight years too late, on treacherous terrain, so far without much effective local support, with imperfect intelligence, and with war aims that some find unclear and unpersuasive.

But with all that said—and it must be said, so that the lessons are well and truly learned—let there be no doubt: this is a war that must be won.

I understand the unease that many feel about the way in which this operation began. But those who agonize over whether what is happening in Kosovo today is really of sufficient importance to justify our military intervention, gravely underestimate the consequences of doing nothing. There is always method in Milosevic's madness. He is a master at using human tides of refugees to destabilize his neighbors and weaken his opponents. And that we simply cannot now allow. The surrounding countries just can't absorb two million Albanian refugees without provoking a new spiral of violent disintegration, possibly involving NATO members.

But the over-riding justification for military action is quite simply the nature of the enemy we face. We are not dealing with some minor thug whose local brutalities may offend our sensibilities from time to time. Milosevic's regime and the genocidal ideology that sustains it represent something altogether different—a truly monstrous evil; one which cannot with safety be merely checked or contained; one which must be totally defeated and be seen by the Serbs themselves to be defeated.

When that has been done, we need to learn the lessons of what has happened and of the warnings that were given but ignored. But this is not the time. There has already been too much media speculation about targets and tactics, and some shameful and demoralizing commentary which can only help the enemy. So I shall say nothing of detailed tactics here tonight.

But two things more I must say.

First, about our fundamental aims. It would be both cruel and stupid to expect the Albanian Kosovans now to return to live under any form of Serbian rule. Kosovo must be given independence, initially under international protection. And there must be no partition, a plan that predictable siren voices are already advancing. Partition would only serve to reward violence and ethnic cleansing. It would be to concede defeat. And I am unmoved by Serb pleas to retain their grasp on most of Kosovo because it contains their holy places. Coming from those who systematically leveled Catholic churches and Muslim mosques wherever they went, such an argument is cynical almost to the point of blasphemy.

Second, about the general conduct of the war. There are, in the end, no humanitarian wars. War is serious and it is deadly. In wars risk is inevitable and casualties, including alas civilian casualties, are to be expected. Trying to fight a war with one hand tied behind your back is the way to lose it. We al-

ways regret the loss of the lives. But we should have no doubt that it is not our troops or pilots, but the men of evil, who bear the guilt.

The goal of war is victory. And the only victory worth having now is one that prevents Serbia ever again having the means to attack its neighbors and terrorize its non-Serb inhabitants. That will require the destruction of Serbia's political will, the destruction of its war machine and all the infrastructure on which these depend. We must be prepared to cope with all the changing demands of war—including, if that is what is required, the deployment of ground troops. And we must expect a long haul until the job is done.

Mr. MCCAIN. Those are Margaret Thatcher's remarks. They were delivered at the Institute for Free Enterprise on the 20th anniversary of her becoming Great Britain's Prime Minister.

I hope that all of my colleagues before voting tomorrow will read her remarks—Brent Scowcroft, Lawrence Eagleburger, and virtually every person who has held a position of authority on national security matters, both Republican and Democrat, for more than two decades.

Mr. President, the hour is late. I will move to the closing remarks in just a moment.

We have had a good debate today. I wish it had been longer. I think it should go on for several more days. But it won't.

Tomorrow we will have a tabling motion which may be one of the more bizarre scenarios that I have seen in my 13 years here in the Senate, with an administration lobbying feverishly to defeat a resolution which gives it more authority. I have never seen that before in my years in the Senate.

I believe we could have carried this resolution if the administration had supported it. I can only conclude that the reason for it is that the President of the United States is more interested in his own Presidency than the institution of the Presidency. Mr. President, that is indeed a shame.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business, Friday, April 30, 1999, the federal debt stood at \$5,585,839,850,171.61 (Five trillion, five hundred eighty-five billion, eight hundred thirty-nine million, eight hundred fifty thousand, one hundred seventy-one dollars and sixty-one cents).

One year ago, April 30, 1998, the federal debt stood at \$5,499,895,000,000 (Five trillion, four hundred ninety-nine billion, eight hundred ninety-five million).

Fifteen years ago, April 30, 1984, the federal debt stood at \$1,486,116,000,000 (One trillion, four hundred eighty-six billion, one hundred sixteen million).

Twenty-five years ago, April 30, 1974, the federal debt stood at \$472,852,000,000 (Four hundred seventy-two billion, eight hundred fifty-two million) which