



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, TUESDAY, OCTOBER 6, 1998

No. 138

Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Robert Kem, Saint Andrew's Episcopal Church, Omaha, NE. He is a guest of Senator CHUCK HAGEL. Pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Robert Kem, Saint Andrew's Episcopal Church, Omaha, NE, offered the following prayer:

Let us pray:

O Lord our Governor, whose glory is in all the world: We commend this Nation to Your merciful care, that being guided by Your providence, we may recognize You as our sovereign God and dwell in Your purpose and peace.

Grant to the President of the United States and especially the Members of the United States Senate and the House of Representatives and to all in authority the wisdom and strength to know You and to do Your will.

Fill them with the love of truth and righteousness. Make them ever mindful of their utmost calling to serve You as the chosen representatives of the people of this land. And in all that they do, may they serve You faithfully in this generation to the honor of Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. DEWINE. I yield at this point to my colleague from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and distinguished colleague from Ohio, Senator DEWINE.

THE SENATE'S GUEST CHAPLAIN

Mr. HAGEL. Mr. President, I want to very briefly reflect for a moment on the prayer just offered by the Rev. Robert Kem of Saint Andrew's Episcopal Church in Omaha. It happens, Mr. President, that is the church where my family and I often are seen—more over the few years previous to the last 2 years, because of our recent change to our residency here in Washington.

Father Kem's guidance, and what that has meant to us as he continues to give spiritual guidance to so many, has been unique. He is known far outside the boundaries of just the Midwest. I think that is quite evident by the elegance of his prayer and his eloquent statement, reflecting on who we are as a Nation: All creatures, children of God. For Father Kem coming before this body today to offer guidance and prayer and hope, I am grateful. We are all better for Father Kem. To all the parishioners, those a part of the Saint Andrew's Episcopal family in Omaha, we know you are proud, as are we in the U.S. Senate.

I yield the floor.

The PRESIDENT pro tempore. The distinguished Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, I have several announcements on behalf of the majority leader.

This morning there will be a period of morning business until 10 a.m. Following morning business, the Senate may consider any cleared executive nominations or legislation regarding judicial antinepotism. At 11:30 a.m., under a previous order, the Senate will resume consideration of the agricultural appropriations conference report, with a vote occurring on adoption of that report at 3:15 p.m. Following that

vote, the Senate will resume consideration of S. 442, the Internet tax bill. Amendments are expected to be offered and debated in relation to Internet tax and, therefore, Members should expect rollcall votes into the evening during today's session.

Members are reminded that at 10 a.m. on Wednesday the Senate will vote on adoption of the motion to proceed to H.R. 10, the financial services reform bill, to be followed by a cloture vote on the Internet tax bill. By unanimous consent, Senators have until the cloture vote occurs to file second-degree amendments to the Internet bill.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, there will now be a period for morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes, provided the Senator from Ohio, Mr. DEWINE, shall be entitled to speak for 10 minutes.

The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 15 minutes in morning business.

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

VIOLENCE IN KOSOVO

Mr. DEWINE. Mr. President, in a 1985 speech attended by President Ronald Reagan, the acclaimed writer and lecturer Elie Wiesel, a witness and survivor of the Holocaust, recounted the lessons he learned over the years since this dark chapter in our history. He said:

I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S11529

victims. I learned the meaning of solitude, Mr. President. We were alone, desperately alone.

Mr. President, years from now, we may hear similar words from some of the survivors of the recent atrocities committed in the former Yugoslavia. This past week, Americans and people from all over the world have been witness to some horrific images coming from the tiny province of Kosovo in the Republic of Serbia. These images, of murdered ethnic Albanian civilians, from the very young to the very old, are the latest in a series of systematic attacks over the last 7 months by Serbian military and security forces against Albanian Kosovars—both rebel insurgents and unarmed civilians.

The victims of this latest massacre included old men, women, and children. The death toll since last February is estimated to be as low as 500 and as many as 1,000 although, frankly, no one knows how many victims there have been. Homes have been firebombed. Entire villages have been bulldozed to the ground. Hundreds of thousands of Albanian Kosovars literally have run for their lives and are seeking refuge in the forests and mountains of Kosovo, or in the neighboring states of Albania, Montenegro, Macedonia, and Bosnia.

Mr. President, what perhaps makes last weekend's attack more difficult to bear is that it causes us to pause and wonder if these lives could have been saved if NATO had stepped in sooner. I think we all know the answer to that.

Congress has struggled with the issue of brutal violence in the Balkans for the better part of this decade. The images broadcast this week are a somber reminder of very similar pictures that came from places not far from Kosovo—places like Mostar or Tuzla in Bosnia. I can recall, as I am sure can many of my colleagues, during our many discussions on Bosnia in 1995, several of our colleagues, including our former Majority Leader, Bob Dole, warning us that tensions in Kosovo could lead to the level of outright violence and ethnic cruelty that crippled Bosnia.

I am certain that this is one instance in which Senator Dole today wishes he had been wrong.

It has long been thought that Kosovo was an area where America's national resolve was clear. In 1992, President George Bush warned President Milosevic that violent acts against Albanian Kosovars would lead to military intervention.

President Bush's warning was prompted by President Milosevic's single-handed efforts to strip Kosovo of its autonomy in 1989, and abolish Kosovo's parliament and government 1 year later.

At that time, the Albanian Kosovars, which represent 90 percent of the total population of Kosovo, chose to exercise a form of nonviolent protest against the Serbian government. A shadow government, parliament, and society emerged. Besides electing their own

President and legislature, Kosovars established their own education and medical systems.

Although there were scattered reports of human rights violations against Albanian Kosovars during this period, they were not connected with the reports of an extensive ethnic cleansing campaign underway in Bosnia. Many factors were involved, but perhaps most important was the threat of a larger regional war that could be sparked if the carnage in Bosnia spread to Kosovo. Besides the United States, the countries of Albania, Macedonia, Turkey, and Greece at one time or another warned that violence in Kosovo could force any one of these countries, if not all of them, to intervene. Certainly, with his resources engaged in the conflict in Bosnia, Serbian President Milosevic could not risk taking action in Kosovo.

Now, with instability in Albania and Macedonia, and the growth of the pro-independence faction of Kosovars known as the Kosovo Liberation Army, or KLA, President Milosevic has engaged his security and military forces in Kosova under the guise of putting down the KLA.

Mr. President, from the evidence that we have, Mr. Milosevic has gone beyond a simple police action. This has been a seven month campaign of intimidation and conquest.

Our government, as well as European governments, vowed not to allow in Kosovo a repeat of the vicious war crimes we found in Bosnia. Yet, some who have recently visited the region, believe these crimes have already happened. The extent of these crimes cannot be confirmed. Relief workers and humanitarian organizations are being barred from reaching victims and refugees.

Should this be a surprise to any of us? Certainly not. Slobodan Milosevic is a cold, calculating tyrant. He is a war criminal. He was not moved by diplomatic threats in Bosnia—what drove him to the Dayton peace talks was the military success of the Bosniak-Croat alliance in reclaiming land once held by the Serbs.

Kosovo is no different. Milosevic and his subordinates often have pledged to end the carnage in Kosova. Yet, no pledge has been followed by a clear cessation of hostilities. Mr. Milosevic has demonstrated that he will not withdraw his forces until he feels he has achieved the most from the use of violence. And he will not engage in peace talks unless he believes that no other course of action will preserve his position or advance his goals.

So it should not be a surprise to any of us that now, as NATO prepares for a military response, the Serbian government has declared victory and now is making plans to reduce its military and police presence in the region.

We have been witness to a brutal military and police action against unarmed civilians that was done with the expectation, if not certainty, that both

Europe and the United States would not respond, or indeed would not even know how to respond.

There is little to ponder about what must occur.

The threat or actual use of military action by NATO, such as air strikes, is needed if some form of Serbian withdrawal or cease fire in the Kosovo province is going to occur.

I believe we cannot escape the fact that, in the short term, some form of NATO or United Nations presence on the ground will be needed to police any cease fire or withdrawal, or to ensure the transport of needed food, medical and other supplies to the refugees. In addition, war crime investigators will need to be able to determine the actual atrocities committed and who is responsible.

It is uncertain if ground forces will be called for by NATO. In fact, we know very little of what NATO plans to do beyond air strikes. That is of concern to me because a number of uncertainties remain—uncertainties that if left unresolved will not deal with the root cause of the conflict between the Serbs and Albanian Kosovars. The administration needs to articulate a clear strategy or plan to address the current humanitarian crisis, and the even larger questions about the political future of the Kosovars over the long term.

For example, what fate lies ahead for the estimated 300,000 Kosovars who were uprooted from their homes and villages and forced to seek refuge as far away as Albania, Macedonia, or Bosnia? And of those refugees, what lies ahead for the 50,000 or more who are in hiding in the hills within the province—without shelter, food, or medicine—with winter just around the corner?

Clearly, our first and foremost goal is to achieve a cease-fire. I am hopeful NATO air strikes can ensure a cease-fire. Second, we must ensure humanitarian organizations can safely reach out to these refugee populations without fear of obstruction or even destruction by hostile Serbian forces.

And once they get cared for, when can the displaced Kosovars return home? And what kind of home do they expect to see when they return? It is estimated that approximately 200 villages in the province have been completely destroyed or heavily damaged. When can they expect to see some restoration of the kind of livelihood that affords them the chance to live in peace?

These are the harder questions, but right now, it seems that NATO has yet to consider how they are to be answered. These issues must be addressed and answered if this conflict is going to be contained over the long term.

I'm sure we all agree that these issues must be addressed and answered not at either end of a rifle, but at a conference table. Yet, how can NATO get both sides—the Kosovars and the Serbs—to the conference table? That remains unclear.

And should some kind of long-term agreement be reached, how will that be enforced? What role, if any, can we expect NATO to play to ensure long-term peace in Kosovo? That too remains unclear.

What is clear is that the actions we take in the next few weeks have implications for long-term peace not just in the province but throughout the Balkans. That's why it's in NATO's interest to act, and act with resolve. Unfortunately, the only resolve we see is to strike at the Serbs by air, but nothing more beyond that.

NATO needs to begin to look at these larger questions and soon if our resolve for peace will achieve results and be real over the long-term. It's in our interests to do so. We still risk the threat of a larger conflict in the region, involving Albania, Macedonia, Turkey, and Greece. We also put in jeopardy the progress we have made thus far to maintain peace in Bosnia.

Mr. President, we cannot and should not dictate the terms of any agreement between the Serbs and Kosovars, but NATO can insist—through force if necessary—that peace be achieved through cooperation, not conquest.

This, Mr. President, ought to be the U.S. policy. I thank the chair and yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for up to 5 minutes.

Mr. DODD. Mr. President, first of all let me commend our colleague from Ohio. At some point today or tomorrow I also want to address this issue of Kosovo.

I will tell you that the expressions given by our colleague from Ohio are certainly appreciated by all. I think for most of our colleagues it is our sincere hope that we will not once again play this game with Mr. Milosevic as he has played it so effectively over the last few years with Bosnia, and now Kosovo, where the threat of retaliation causes some warm statements to be made, and once again we back off, and once again more people suffer terribly as a result of it.

MEDICARE HMO BENEFICIARY EMERGENCY RELIEF ACT OF 1998

Mr. DODD. Mr. President, last week, close to 400,000 older Americans and individuals with disabilities, representing some 300 counties and 18 States across this Nation, were notified by their Medicare health maintenance organizations that as of January 1, 1999, their insurers would be terminating their health coverage.

In my State of Connecticut, we were notified on Friday around 6 o'clock that 6,000 seniors would see their HMO, Oxford Health Plan, leave their communities. When added to earlier withdrawals from the market by other HMOs in Connecticut, this announcement means that more than 12,000 Connecticut Medicare beneficiaries will lose their present HMO providers.

One can only imagine the anxiety of seniors reading of the announcement in their newspapers or hearing on television that their HMO would not be there for them on January 1 and having no one to turn to, no one to ask questions of, with offices closed for the weekend. Even the Health Care Financing Administration, which regulates these HMOs, had not yet received the news.

Only three weeks earlier, two other HMOs in Connecticut notified their customers that they would be backing out of New London, Windham, and Tolland Counties, jeopardizing affordable Medicare coverage for about 6,000 seniors.

The precipitous withdrawal of managed care organizations from Medicare is a growing problem. Unless action is taken, on January 1, 1999 thousands of seniors will find themselves at forced to leave established relationships with their doctors and without affordable health care coverage.

I am fearful that with Congress adjourning later this week or early next week, and being out of session for the bulk of October, November, December, it may not be until January that we will again have the opportunity to do something about this.

I am going to be calling on the leadership today to enact an emergency piece of legislation, which I will be introducing today, to put a moratorium on HMOs leaving the Medicare market while we are not in session. This legislation will give us some time to see if we can't sort out this mess and prevent thousands more seniors from finding themselves without HMO coverage on January 1, 1999, a matter of weeks.

My hope is that the leadership will find some time to consider this and adopt it before we leave, hopefully on a bipartisan basis, to stop this serious problem we are seeing in my State and 17 other States around the country.

Mr. President, last Friday I also introduced legislation that deals with the broader issues underlying the recent withdrawals of Medicare HMOs from certain communities. Because it takes a comprehensive approach, I do not expect that this bill would be adopted before we leave. However, I would hope that for now we can at least agree on a narrowly defined moratorium which would at least give us time to find solutions to the larger problem.

Mr. President, I would like to briefly outline for my colleagues the provisions of the legislation I introduced last week. Specifically, the legislation would not allow a flat termination of coverage if there are other less drastic options available. In the case of the withdrawals of two HMOs in eastern Connecticut, after causing considerable distress to seniors with an announcement that they were leaving, the companies re-evaluated their positions in the face of strong pressure from the community, and said "Well, maybe there are some other options we hadn't

considered." This legislation will require they consider those other options first—before creating anxiety among our seniors.

Secondly, the legislation will stipulate that if a company maintains there are no other options but ending coverage, they must demonstrate that. In addition, the HMO would then be responsible for notifying consumers of what alternative coverage is available.

The legislation also requires that HMOs commit to serving seniors for more than just a year. Right now, HMOs are only required to contract on an annual basis. We would require them to make a 3-year commitment. It is important to keep in mind that we are talking about companies that have made the careful determination that it is in their financial interest to enter the Medicare market. These are companies that have extensively recruited seniors and convinced them to leave long-standing relationships with their health care providers to join their HMO and then, with very precipitous announcements, as we have seen in the last several weeks, they have left those communities.

Mr. President, this is a serious, serious problem that is going to get worse, in my view, if we don't take some steps. We passed similar legislation a number of years ago dealing with plant closings. We finally decided that having a company announce precipitously it is leaving, disrupting communities, disrupting the lives of their employees, is unwise and that we ought to adopt legislation that requires at least some advance notice so that communities and people can try to rearrange their lives.

I am suggesting parallel legislation to deal with Medicare HMOs. Here it is so important, particularly for our older Americans or disabled Americans, many of them living alone, who don't have the financial resources to hire lawyers and read through all of the morass of paperwork when it comes to finding a new HMO, that they be given adequate notice and provided with clear information about their options.

We are hopeful we can build some support for the idea of considering all options, having more advanced notice, and extending the contract term. If you are going to go out and try to entice people to sign up, it seems to me you have an obligation to stick with them for a while. Certainly just to make a decision that you are going to pull out of the area, with minimal notice, I think is wrong.

TRIBUTE TO FRED KRAL

Mr. DODD. Mr. President, I want to take a minute to talk about an individual in my State whom I only met for about 10 minutes, but who had a profound impact on my view of this situation. He is a man by the name of Fred Kral. He is a person who led, in many ways, I suppose, an ordinary life, but I think became sort of an extraordinary