

transit areas is more cost-effective than trying to seize the same quantity of drugs at the point of sale. But more important, are the short and long term costs if we do not act to reverse the tragic rise in drug use by our children.

Let me remind my colleagues that there are more than twice the number of children aged 12 to 17 using drugs today than there were 5 years ago. With more kids using drugs, we have more of the problems associated with youth drug use—violence, criminal activity, and delinquency. Children are dying—either from drug use or drug-related violence. We will have more of the same unless we take action now to restore a balanced drug control strategy. We have to have all the components of our drug strategy working effectively again.

We did it before and we succeeded.

If we pass the Western Hemisphere drug elimination bill we can take the first step toward success. We can provide the resources, and most importantly, the leadership to reduce drugs at the source or in transit.

In the end, Mr. President, that is what this bill is about—it is about leadership—effective leadership. We have an opportunity with this legislation to show and exercise leadership. I hope we can seize this opportunity to stop drug trafficking, and more importantly, to save lives.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the senior Senator from West Virginia is recognized for up to 5 minutes.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I thank the Chair. There was no previous order that I be recognized, but I still thank the Chair, and I hope I am recognized.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Now, Mr. President, the Senator from Delaware, Mr. BIDEN, actually was here before I was, which does not mean anything under the Senate rules, but we have to live and let live here, and he has to catch a train at 2 p.m. So I ask unanimous consent that I may retain the floor, but that in the meantime the Senator from Delaware, Mr. BIDEN, be recognized for not to exceed—

Mr. BIDEN. Twenty.

Mr. BYRD. Not to exceed 20 minutes, and that I then be recognized for not to exceed 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. The distinguished Senator from Oregon is also here. I wonder—and the reason I am asking is I have been asked by a Senator on the other side, Mr. GRAMM, to try to get 30 minutes locked in for him. May I ask the distinguished Senator from Oregon how much time he would require?

Mr. WYDEN. Mr. President, I thank the Senator from West Virginia. I would, at the appropriate time, ask

unanimous consent to speak for up to 15 minutes. I certainly understand there were Senators here before me, and I am happy to wait until after the Senator from West Virginia and the Senator from Delaware are finished.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the completion of my remarks, the distinguished Senator from Oregon be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Texas, Mr. GRAMM, for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DEWINE. Mr. President, I may have to object at this point. It is my understanding that there are speakers coming over on our side. Maybe we can work an arrangement out to alternate back and forth.

Mr. BYRD. Mr. President, I didn't object to the Senator asking for his time.

Mr. DEWINE. Mr. President, if I could make a suggestion that we have the three Senators who are on the floor now, lock that time in, but with the understanding that, beyond that, we would then begin to go back and forth.

Mr. BYRD. Mr. President, if the Senator knows of a Senator who wishes to speak, that is one thing. I know Senator GRAMM wants to speak for 30 minutes. He inquired through a staff person as to whether or not I would make the request for him. I hope the Senator will not object to Mr. GRAMM following the Senator from Oregon.

Mr. DEWINE. Mr. President, I will not object.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

THE SITUATION IN KOSOVO

Mr. BIDEN. Mr. President, let me begin by thanking the distinguished Senator from West Virginia for allowing me to go first. Mr. President, the reason I didn't say anything initially is because I hoped to be able to still make my commitment in Delaware and hear the Senator from West Virginia. I mean that sincerely. It is rare for the Senator from West Virginia ever to take the floor if he does not have a serious piece of business to conduct. He is going to speak on the same subject I am speaking to. I will not get to hear his speech, but I am sure I will read it in the RECORD.

Mr. President, I had originally intended today to introduce a resolution authorizing United States airstrikes against Yugoslavia in connection with the Kosovo crisis because I believe our Constitution requires the President to come to us for that authority. I have decided, however, not to offer the resolution because of recent developments, not on the constitutional front, but recent developments on the ground. The reality is that we are about to go out of session, and my ability to get a vote on this issue is problematic, at best.

Instead, I rise to discuss the implications for U.S. policy regarding the

agreement on Kosovo worked out 2 days ago by Ambassador Richard Holbrooke with Yugoslav President Slobodan Milosevic, after more than a week of intensive negotiations.

I might note that it seems at every important point in our history we have diplomats and elected officials who rise to the occasion to meet the needs of the Nation. I would like to suggest that Richard Holbrooke is the right man, at the right time, at the right spot. I compliment him. We are fortunate to have his diplomatic skills available to this Nation at this moment.

On Monday, NATO's 16 member nations voted unanimously for what they call an ACTORD. That is military terminology for an activation order, which allowed the Supreme Allied Commander in Europe, U.S. General Wes Clark, to order airstrikes, which reportedly would begin with cruise missiles and escalate to a phased bombing campaign that would move beyond Kosovo.

Because this action order was taken, I believe, and only because of this, our negotiator, Mr. Holbrooke, was able to get an agreement from Mr. Milosevic, the criminal President of the Republic of Yugoslavia, to agree to certain of NATO's demands. In response, the alliance has postponed launching the airstrikes, which have been authorized for 4 days, in order to assess whether or not he, Mr. Milosevic, will comply. I assure you that he will not comply if he believes we are not serious about using significant force. The cruise missiles are now on immediate standby; B-52s stand ready on the runway equipped with cruise missiles to move if Milosevic fails to meet his commitments. The cruise missiles are now in immediate standby until Friday evening, U.S. eastern daylight time.

In addition, more than 400 allied aircraft, the majority of them American, remain available for a phased air campaign, should that later become necessary.

Mr. President, let me give my assessment right up front. As I said, I believe that Ambassador Holbrooke has done a good job. The agreement he negotiated in Belgrade is a good one, as long as we can be sure that if Milosevic does not keep his word, NATO air power will be used against the Yugoslav military and security forces.

I must tell you, as the senior member in the minority on the Foreign Relations Committee, I have mixed emotions about Milosevic's having agreed. I believe he only understands force. I believe that he is the problem. I believe that, ultimately, force will have to be used. And, quite frankly, I wish we had just used this force.

Mr. President, this agreement has, at least temporarily, averted NATO airstrikes against Yugoslavia, which, as I indicated, I strongly support. I support them recognizing that they would have endangered the lives of American military personnel, which I do not take

lightly. But we must honestly and forthrightly point out to the American people that although the risk was low for high casualties, it was high for some casualties. No one wants war, and this agreement may, in fact, begin to lay the foundation for a political settlement of the crisis in Kosovo. We must understand, though, that war has not been permanently averted in Kosovo.

I would like to review the substance of the agreement negotiated, whose broad outlines are clear, but whose details understandably remain to be hammered out over the next several days. Milosevic, according to the agreement, must take several steps:

First, he must maintain a cease-fire and scale back the presence of both the special police, the so-called MUP, and of the Yugoslav Army, or VJ, to February 1998 levels, dropping the regular army presence from 18,000 to 12,500 and the MUP from 11,000 to 6,500. I, and others, I am sure, including Ambassador Holbrooke, would have liked to have seen it taken back further. But I acknowledge that this was what was possible.

Second, Milosevic must sign an agreement with the Organization for Security and Cooperation in Europe—the so-called OSCE—to allow up to 2,000 “compliance verifiers” full access on the ground in Kosovo to make sure that Milosevic is keeping his promises.

Third, Milosevic must sign an agreement with NATO to allow unarmed aircraft to fly over Kosovo to verify compliance with the cease-fire.

Fourth, he must begin serious negotiations with the Kosovars by November 2, with a goal of giving Kosovo at least autonomy within Serbia.

Fifth, he must allow complete access for humanitarian organizations to deliver assistance to the hundreds of thousands of internally displaced persons within Kosovo. These are the people you see on television, huddled in tents in the middle of fields and out in the forests.

I believe it is unrealistic to think that Milosevic can draw down the special police and the Army units in Kosovo to February levels by the time the Serb-Kosovar negotiations begin on November 2, but he will have to have shown substantial movement in that direction by that time.

Within a day or two, we can expect a statement by Milosevic proposing a timetable for negotiations with the Kosovars. These negotiations are supposed to be without preconditions. But the United States has made it clear that it expects Kosovo to regain a substantial part of the autonomy within Serbia that it lost in 1989. Although we do not presume to negotiate for the Kosovo Liberation Army, the KLA, or for Dr. Ibrahim Rugova, the moderate Kosovar leader, that is the minimum we expect.

Yesterday, Serbia's President, a Milosevic puppet, announced support for elections to a Kosovo parliament, a

general amnesty, and the formation of a Kosovar police force to maintain order over the ethnic Albanian community that comprises more than 90 percent of Kosovo's population.

President Clinton has described the verification regime that Milosevic has agreed to as intrusive. It gives the OSCE verifiers a broad mandate, including the authority to establish a permanent presence in locations of their choosing in Kosovo, to accompany remaining Serb military units on patrol, and to coordinate humanitarian relief efforts. These verifiers would be backed up by American U2 spy planes and lower altitude P3 Orions and British Canberra photo reconnaissance planes to verify that compliance was underway. The verifiers will be unarmed, but NATO is putting together what we refer to as an over-the-horizon Quick Reaction Force, which will be ready to intervene on short notice if problems arise.

Let me explain what was meant by that. There will be armed NATO military on the ground—not in Kosovo, not in Serbia—ready to react and cross the border if, in fact, Milosevic goes back to his ways of ethnic cleansing.

Although the basing of this Quick Reaction Force has not yet been announced, I am told that there is an increasing likelihood that Macedonia, rather than Hungary or Italy, will be chosen as the location. Obviously, military requirements must dictate the basing decision, but in my view the choice of Macedonia would provide a needed political and psychological boost for that small country, which itself has a restive ethnic Albanian minority.

I feel our European allies should take the lead on this Quick Reaction Force. I have reason to believe that the United Kingdom, which is in the best position of our allies to play such a role, may step up to the plate and take on this responsibility.

Meanwhile, Milosevic has, as expected, orchestrated the crisis to move against domestic opposition within Serbia. Democratic politicians in Serbia—and there are some—have been threatened. Many independent radio stations have been forced off the air, and dozens of university professors who find Milosevic's conduct abhorrent, have been dismissed.

Diplomacy is not an easy art. Ambassador Holbrooke, as I said earlier, is to be congratulated for his persistence and stamina in crafting this agreement. As yet, no text has been released, and many of the details remain to be worked out in the coming days.

Although all Kosovar politicians, from the nonviolent leader Dr. Rugova to the KLA, vociferously maintain their insistence on independence for Kosovo, I believe most are prepared to accept the return of the pre-1989 autonomy, with the decision on the final status to be deferred for several years.

My supposition is that between now and November 2, U.S. diplomats will

work on a fresh draft that will be accepted by Milosevic and the Kosovars as the basis for negotiations. This will not be an easy task.

Assuming that the Belgrade agreement holds, where are we, and what are the implications for U.S. policy?

In the short term, the Belgrade agreement will be seen by some in the Balkans as a victory for Milosevic, since Kosovo will remain part of Serbia and the KLA, temporarily at least, will be denied its goal of independence. I might add, though, that in the short term, a NATO air campaign, most likely would also have redounded to Milosevic's credit, since the Serbs' first reaction would have been to rally round their flag.

It is important to note, however, that if the Belgrade agreement is implemented, Serbian sovereignty will be undermined by the large international presence with wide powers and, eventually, I believe, by some sort of stipulation regarding a decision on final political status for Kosovo after a period of several years.

As I have said many times on this floor, I do not favor independence for Kosovo. It would send the message in the region that state boundaries should be determined by ethnicity. The first casualty of independence of Kosovo at this moment would be the multiethnic, multireligious, democratic Bosnia-Herzegovina that underpins Dayton and is the goal of American policy. I believe it would also seriously destabilize neighboring Macedonia.

Instead of independence, I have argued for a status in Kosovo between that of autonomy within Serbia and independence. But that is for the parties to work out. This could possibly take the form of republic status within Yugoslavia, but within a democratic Yugoslavia, not the current plaything of the thug named Milosevic.

That brings me to the fundamental Balkan policy point that we should cease regarding Milosevic as part of the solution rather than as the problem incarnate. There is simply no chance for peace in the long term in the region until Milosevic is replaced by a democratic government in Belgrade that is willing to grant cultural and political rights to all of its citizens, Serbs and non-Serbs alike, and to respect the sovereignty of its neighbors.

I have no illusions that Belgrade is full of politicians who read Jefferson and Madison in their spare time. Nonetheless, I do not think we have paid adequate attention to the democratic opposition that does exist. Let's not forget that a democratic coalition did win control of 17 major city councils, including that of Belgrade, in the elections of November 1996. Even now, despite many divisions within the democratic ranks, there are significant elements in Serbian politics, in the Serbian Orthodox Church, among journalists, and in academe that could and should be assisted in a major way by the United States of America.

For now, Milosevic has strengthened his grip on power by suppressing much of the opposition and spinning the news to emphasize his defiance of the West and NATO's supposed backing down, but that will be short lived. As Serbia's already pathetic economy worsens, opportunities will reemerge for a broad-based democratic opposition to challenge Milosevic.

We should be patient while protecting life.

We should lay the groundwork for that day by continuing to insist that the Serbian authorities lift the onerous restrictions under which the independent media chafe, by funding those independent media, and by encouraging intensive contact between democratic Western political parties and trade unions and their Serbian counterparts.

In my first visit to Serbia, when I had a long meeting in Belgrade in 1993 with Milosevic, I indicated to him then as forthrightly as I could when he asked what I thought of him, I said to him in the privacy of his office, "Mr. President, I think you are a war criminal and should be tried as such."

I then met with over 100 people in opposition to Milosevic of all stripes, some extreme nationalists in opposition and some Democrats.

The only point I wish to make is that there are roots for democratic growth in Serbia, and we should seek them out.

In the coming days, NATO must watch Milosevic like a hawk and not be afraid to act militarily if he fails to fulfill the terms of the Belgrade agreement, particularly the movement toward reducing the numbers of his special police in Kosovo and sending the army back to its barracks and its heavy weaponry into cantonments.

One must not forget, Mr. President, who have been the big losers in the tragedy of the last eight months. They are the approximately one-third of the Kosovar population whose ranks include perhaps one thousand killed, over three hundred thousand driven from their homes, and over four hundred villages destroyed.

All this in order for Milosevic, whose legacy already includes hundreds of thousands of Bosnian and Croatian dead, to cling to power by once again diverting the attention of the Serbian people from the failure of his ignorant and hopelessly inept domestic policies.

At least we can be thankful that if the Belgrade agreement is implemented, international relief supplies should reach the hundreds of thousands of displaced Kosovars, including many living in the open, thereby preventing massive fatalities this winter.

On the wider stage, NATO has set the important precedent that in certain circumstances it has the right to intervene in the internal affairs of a European state, without an explicit U.N. Security Council authorization.

This is a big deal.

NATO has also made clear to Russia that, in accordance with the 1997

NATO-Russia Founding Act, negotiated by NATO Secretary General Solana and the President of the United States, Moscow has "a voice, not a veto" over NATO policy. That has been reemphasized here as well.

Nevertheless, partly because of Russian objections and partly because of the congenital Western European aversion to using force to achieve political ends, NATO waited several months too long to create the credible threat necessary to compel Milosevic to stop his brutal repression notwithstanding U.S. urging.

In effect, the delay enabled Milosevic to complete the short-term destruction of the KLA and the ethnic cleansing in western and central Kosovo that he desired.

If similar crises arise in the future, we should give ad hoc bodies like the Contact Group one chance to get its act together.

If it doesn't, then we should, without delay, go to NATO and call for resolute action.

The kind of ethnic conflict we have seen in Bosnia and Kosovo was specifically mentioned in NATO's so-called Strategic Concept nearly seven years ago as the prototype for threats to the alliance in the post-Cold War era.

So this is not a surprise to NATO. For that reason—not to mention the thousands of lives that can be spared—we must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

The Belgrade agreement on Kosovo is a first step in the right direction. And President Clinton should be complimented. Its details need to be fleshed out.

After they are we must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of "zero tolerance" with the Yugoslav bully.

Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.

Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.

Twice is enough. There must not be a third time.

I thank the Chair and yield the floor.

I particularly thank the distinguished Senator from West Virginia, my leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the distinguished Senator from Delaware.

KOSOVO: A CRISIS AVERTED OR A CRISIS POSTPONED?

Mr. BYRD. Mr. President, for the first time in weeks, the news from Belgrade regarding Kosovo is encouraging. It would appear—with emphasis on the word "appear"—that Slobodan

Milosevic has agreed to NATO's terms to withdraw his forces, begin peace negotiations, and allow 2,000 international observers into Kosovo.

If Mr. Milosevic can be taken at his word, this is truly a turning point in the negotiations. Unfortunately, as we know from the trail of broken promises and from the trail of tears he has left in his wake, Slobodan Milosevic's word is worthless. Hopefully, the concurrent action NATO has taken to authorize air strikes if Mr. Milosevic does not abide by the agreement will be sufficient to persuade him to cooperate. I have my doubts.

As welcome as these new developments are, they do not let Congress off the hook. Over the past several weeks, as we have rushed to complete our work prior to adjournment, we have tiptoed carefully around the role of Congress in authorizing military intervention in Kosovo without ever mustering up the courage to confront the issue head on.

On the topic of Kosovo, we have lectured, we have criticized, we have urged this or that action, but we have been strangely silent on the subject of introducing and voting up or down on a resolution that would fulfill our duty, under both the Constitution and the War Powers Resolution, to authorize the use of force in Kosovo and throughout Serbia.

The Constitution invests in Congress the power to declare war. The War Powers Resolution prohibits the President from waging war beyond 60 days without Congressional authorization. Whether we are acting unilaterally, or as part of a multinational force, or as one member of a formal alliance such as NATO, the burden of responsibility on the Congress is the same.

The bottom line here is that Congress has a duty to authorize the use of force if and when offensive military action is called for. By blinking at the prospect of an authorization of force resolution, we are abdicating our responsibility to the Executive Branch and shirking our duty to the nation.

For weeks, Congress has wrung its hands over conditions in Kosovo while NATO was moving toward a military showdown in the region and while some of us were making solemn speeches condemning the brutality of Mr. Milosevic, our NATO allies were moving to authorize air strikes in and around Kosovo. The agreement reached with Milosevic has, at the very least, bought some time, but it has by no means removed the threat of military intervention in Kosovo. If NATO chooses to move forward with air strikes in the next few days or weeks, Congress, the only branch of Government with the power to declare war, will be just another bystander, watching from the sidelines as U.S. troops are placed in a hostile environment.

Mr. President, none of us wants to rush this nation into military conflict. None of us wants to place the life of even one American at risk. None of us