

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

wants to give the order to shoot. But we do not have the luxury of avoiding such decisions. Whether we like it or not, Congress cannot bury its head in the sand when faced with tough issues like declaring war or authorizing military action overseas. And whether we wish to admit it or not, that is exactly what Congress is doing. When it comes to tough issues like Kosovo, Congress seems to want it both ways: we want to be able to criticize the administration, but we do not want to step up to the plate and take the responsibility of giving the administration any guidance.

Now, this matter of responsibility is a two-way street. Congress has responsibility, but so does the administration—at the other end of the avenue. The administration has the responsibility—the duty—to consult with Congress before committing to military action. And the administration has been woefully remiss in accepting its share of the responsibility.

This administration, like so many before it, seems to have confused the concept of consultation on the one hand with the act of advising on the other. Advising Congress of what the administration has already decided to do does not constitute consultation. And charging ahead without making a case to Congress and to the American people does not even constitute common sense.

Like many of my colleagues, I have been troubled by several aspects of the proposed military intervention in Kosovo by the United States and NATO, particularly by the absence of a clear-cut game plan beyond the initial air strikes. Given the complexity of the problem and the potential consequences of any action we take, it is inexcusable and frankly foolhardy for the administration to wait until the eleventh hour to make its case to Congress.

Yes, Congress has the responsibility to exercise its constitutional authority, but that does not give the administration the right to toss what amounts to a live grenade into Congress's lap and expect action before that grenade explodes. Yet, that is the situation with which we were forced to deal. We were told by the administration that air strikes could come at any time once NATO reached consensus on such action. We were alerted that American citizens were being evacuated from Yugoslavia. We watched American diplomats ping-ponging back and forth between Washington and Belgrade and Brussels. And we were given to understand that the administration would like for Congress to endorse its efforts.

Mr. President, this is no way to conduct grave matters of war and peace. I congratulate the administration officials who have been tirelessly working to find a solution to the perilous situation in Kosovo. I am convinced that Secretary of Defense Cohen and Special Envoy Richard Holbrooke have gone the extra mile—literally—to end the

bloodshed and turmoil in Kosovo, and to bring Mr. Milosevic to the bargaining table. I spent over an hour meeting with Secretary Cohen this past week, and I believe he understands fully the stakes involved in attempting to broker peace through the use of force in the Balkans. I am confident that he is well aware of the risks and uncertainties associated with the actions that have been taken and those being contemplated by the United States and our allies.

I am not ready to give the administration a blanket endorsement—or a blank check—to carry out any plan for NATO air strikes on Kosovo. I believe there are too many loose ends, too many uncertainties. But I am equally unwilling to close my eyes to the problem and simply let the chips fall where they may. I commend Senator DASCHLE and Senator BIDEN and Senator LEVIN and others for the efforts they have made to deal with this situation. They are among a number of Senators who have worked to craft a resolution authorizing U.S. intervention in Kosovo, if wisdom dictates such intervention. I appreciate their taking my concerns into account as they worked to draft a resolution. They took my concerns into account by incorporating into the resolution provisions that would place some restraints on the administration, guard against an open-ended mission, in terms of its length and scope, and inject some accountability into the operation, without micromanaging the process. The result may or may not have been the best solution; it may or may not have been a resolution that I or a majority of my colleagues could have supported after reasonable debate, but at the very least, it was an effort to acknowledge our constitutional responsibility and articulate our concerns.

Unfortunately, the clock up there on the wall is ticking, and this Senate has neither the time nor the inclination to take up such a resolution, particularly in light of the recent breakthrough in negotiations. I sincerely hope that the agreement Mr. Holbrooke has achieved in Belgrade means that military intervention will be averted, but I have little confidence that Mr. Milosevic will honor his commitment.

I have a feeling he may do the same as Saddam Hussein has done in Iraq. Just watch.

I would recommend that the sine die adjournment resolution contain authority to call Congress back into session. I am not talking about the President calling us back. He has that right under the Constitution. I am talking about our own leadership calling Congress back into session in order to deal with any crisis that might erupt over the period between the end of this Congress and the beginning of the 106th Congress. I further recommend that the administration immediately institute new procedures to truly consult with Congress before committing American troops to hostilities overseas.

Mr. President, I have heard this old record played and replayed over and over again; a process in which we Senators on both sides of the aisle will be notified that there will be a meeting in room 407, where classified information can be divulged, at such and such a time, such and such a date. And the administration will appear there, the administration's Representatives will appear there. I have been to several of those meetings.

Very, very seldom have I found anything, any information divulged in those meetings that I haven't already read in the newspapers. And yet the administration, whether it be this one or a preceding administration, feels that the administration has consulted with Congress. The administration hasn't consulted at all. They appear up there, and many times they appear to be talking down to us as though we are new kids on the block, they know it all and we should just be nice, nice boys and girls; they will handle everything; they know everything.

For me, as far as I am concerned, for the most part, it has become an empty exercise to go up to room 407 and listen to the administration's people. Consultation involves far more than that.

In addition to the elected leadership of the Senate and House of Representatives, I think the administration should consult—and I do mean consult, not merely advise—the chairmen, no matter what their gender, and the ranking members of the Appropriations, Armed Services, Foreign Relations and Intelligence Committees.

If military action becomes necessary in Kosovo, the administration will have to come back to Congress to pay for the operation, and the attitude which most administrations appear to have is that if they put American men and women into areas where hostilities are either already going on or imminent, Congress certainly will not turn its back on those men and women; Congress will fork over the money. So the administration always—most administrations in recent years—certainly seemed to have the idea, "Well, once we get our men in there, Congress will have to come along," and we do. Congress isn't going to turn its back on our men and women who are in harm's way. But it doesn't breed confidence between the two bodies. We were told we would only be in Bosnia, oh, something like a year, about a year. That was 3 years ago, 3 or 4, several years back.

I predict that administration officials would find the task a good deal easier if, when they come back before Congress and ask for money, they had truly counseled with Congress, built a case for their request and sought the advice of the pertinent committee leadership beforehand.

Mr. President, I understand absolutely the serious nature of the humanitarian crisis in Kosovo and the threat to regional stability in the Balkans that are posed by Mr. Milosevic's brutal repression of the ethnic Albanian

Kosovars. With winter closing in on Kosovo and up to 70,000 ethnic Albanians hiding in the mountains without food or shelter, we are looking at the virtual certainty of a humanitarian catastrophe if something is not done to bring relief to those people and to ensure the safety of the other 250,000 to 400,000 Kosovars who have been forced from their homes by the fighting.

There is a strong case to be made that dealing with the situation in Kosovo now will help to prevent it from becoming a flashpoint that could draw other nations into the conflict like moths to a flame.

Viewed in that light, Kosovo is much, much more than a humanitarian endeavor. But we in the Congress have no right to wring our hands over the plight of the Kosovars while refusing to even debate whatever role wisdom may dictate that Congress should play. We have no right to be bold when it comes to criticizing NATO's proposed action while being timid when it comes to doing our job. Regardless of what anyone else does, Congress has a constitutional duty to authorize whatever action it deems necessary. We do no one any favor by surrendering our duty to the executive branch.

Mr. President, we cannot adequately address the crisis in Kosovo in the time we have remaining in this Congress, but that does not mean we ought to completely abandon our responsibility. NATO is prepared to conduct airstrikes in the event the agreement reached in Belgrade falls apart. Congress should be equally prepared in its sine die adjournment resolution. Congress should be ready and should manifest that it is ready to reconvene on the call of the bipartisan joint leadership of the two Houses of Congress if the situation warrants it.

BREAST CANCER AWARENESS MONTH

Mr. BYRD. Mr. President, October is Breast Cancer Awareness Month, a time when we work to heighten people's awareness of breast cancer and the importance of early detection through mammography and self examination.

Breast cancer is the most prevalent cancer among women with one in nine women at risk of developing breast cancer over her lifetime. That is up from a risk that, in 1960, was just one in fourteen! In West Virginia, the American Cancer Society estimates that this year 1,200 women will be diagnosed with breast cancer, while nearly 300 women in the State will die from the disease. Across the country, more than 43,000 women will lose their battle with the disease this year, while more than 178,000 women will just begin their fight. Too many people know the pain of losing a loved one to this devastating, terrible disease.

The startling statistics on the incidence of breast cancer call for a strong Federal response, and that is what Con-

gress has worked to provide. Since 1990, the Congress has increased cancer research funding by 54 percent. For this new fiscal year, I believe that the Senate is heading in the right direction with its version of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. This measure contains more than \$15.5 billion for the National Institutes of Health (NIH), which is an increase of \$2 billion over the level appropriated last year. Within that amount, the National Cancer Institute (NCI) would receive almost \$3 billion—a 15-percent increase over last year. It is my hope that the final appropriations measure for the NIH, the National Institutes of Health, and the NCI, the National Cancer Institute, will retain these sizable increases. The research performed and funded by NIH is crucial to our Nation, crucial to those suffering from this dreadful disease, and crucial to the families of those who are suffering.

The strong national investment in cancer research is producing some promising results. For instance, an exciting new avenue being tested for breast cancer prevention is the drug tamoxifen. This therapy potentially promises to prevent 50 percent of breast cancer cases in women who run a high risk of developing the disease.

Additionally, there are a number of new treatment options being studied, including such practices as gene therapy and hormonal agents. This combination of research and new therapies is lending hope to the many women and their families who are blighted by this devastating disease. Let us continue to invest in programs to address the scourge of cancer, breast cancer in women in particular.

Early detection of breast cancer is critical, and, according to medical experts, mammography is the best way to find the disease in its early stages. In West Virginia, about 73 percent of women have had a clinical breast examination and mammogram. That is good, but not good enough. West Virginia still lags behind the national median of 77 percent. So we need to do more.

In an effort to boost breast and cervical cancer prevention, I helped to launch the first-ever West Virginia cancer prevention, education, and screening project in 1990. As a result of this effort and other programs that have partnered with it, between 1989 and 1995, West Virginia experienced a 45 percent increase in the number of women receiving mammograms. We need to continue working together to increase the number of women having mammograms.

Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. BYRD. When a breast cancer tumor is found in its earliest stages, a woman has a better than 90 percent chance of long-term survival. Places

like the Mary Babb Randolph Cancer center in Morgantown play an important role in early detection and community education. The center proved to be a life-saver for Jorie Florek. She is a professional golfer from New York State who played in a West Virginia golf tournament to raise money for the cancer center. During the tournament, doctors and nurses from the center provided women with breast cancer information, including instructions on how to perform self examinations. Using that information, Jorie detected a lump that, unfortunately, turned out to be malignant. However, through early detection and aggressive treatment at the cancer center, Jorie is now cancer free.

Another West Virginia success story is that of Stephanie Juristy. Stephanie was working, going to school, raising her teenage son, and planning a wedding when she was diagnosed with breast cancer in 1995. She received treatment at the cancer center, undergoing surgery and chemotherapy, and participated in clinical trials of new treatments. Stephanie is now married, working full-time, and preparing to graduate from school. She is also an advocate for patients in Morgantown, sharing her experiences and knowledge with other women.

Early detection, treatment, and research are all important components in the war against breast cancer. Strides are being made in each of these areas, and, hopefully, one day will lead to a cure for all cancer. And that will be a glorious—glorious—day. However, until then, we must remain vigilant and continue to encourage women to get mammograms and to self screen, and we must continue to make a strong investment in cancer research to press forward for a cure. As we recognize Breast Cancer Awareness Month, let us redouble our efforts to tackle this disease that takes such a devastating toll on our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized, under the previous order.

Mr. WYDEN. Thank you, Mr. President.

Before he leaves the floor, I thank the Senator from West Virginia for the unanimous consent request that he made that ensured I would have the opportunity to speak now and also to thank him for all that I have learned from him during my first years in the Senate.

It is one thing to take out a book that describes some of the procedures and the rules of the Senate, but it seems to me that there is no better way to learn about the Senate and the very high standards that are so important here than to simply watch the Senator from West Virginia for a few hours on the floor of the Senate.

Mr. BYRD. I thank the distinguished Senator for his very gracious felicitations. He is a far better student than I am a teacher. I thank him.