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

at 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 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