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Kosovo and the 106th Congress

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Summary

The Kosovo crisis and aftermath dominated U.S. foreign policy during much of the 106th Congress. From 1999 to 2000, international focus on Kosovo evolved from peace negotiations to a NATO air war to post-war peacekeeping and an international protectorate for the province. Scenarios regarding the use of U.S. military forces in and around Kosovo were a central issue in the Congress. Before, during, and after NATO's air operation against Serbia in early 1999, some Members of Congress challenged the President's authority under the Constitution to engage U.S. armed forces in military operations in the Balkans without congressional approval. A greater number of others, however, abandoned or rejected options that might have dictated a forced removal of U.S. armed forces from Kosovo operations. Antagonistic relations between Congress and the White House, as well as divisions within both parties, at times undermined the effort to reach consensus on legislation. For the most part, Congress supported the President's requests for funding for military operations, but was less supportive of funding requests for civilian reconstruction programs.

During Operation *Allied Force*, Members of Congress spoke out for and against the mission. The constitutional role of Congress in decisions regarding the use of force became a prominent focus of debate. However, Congress rejected resolutions that would declare outright war against Serbia or, alternatively, mandate the removal of U.S. armed forces from the region. Congress also considered alternative strategies such as preparing for a possible ground invasion of Serbia and promoting the democratic opposition to Milosevic's rule in Serbia.

After Milosevic agreed to NATO's terms to terminate the air operation in June 1999, attention turned to peacekeeping and the international administration of the Kosovo province. The commitment of U.S. resources and burden-sharing with the European allies became a major concern in Congress. Several pieces of legislation reflected this concern.

Near the end of the 106th Congress, events took a dramatic turn in Serbia. Slobodan Milosevic was forced to step down from power after losing democratic elections and facing massive public demonstrations against his continued rule. The new situation in Serbia and the ongoing peace efforts in Kosovo are likely to be prominent issues of interest to the new Administration and the 107th Congress. Changes in the post-Milosevic period may carry implications for the NATO-led military presence in the Balkans.

This report first reviews key developments in Kosovo and U.S. policy during 1999 and 2000. It then examines the congressional responses to the Kosovo peace talks at Rambouillet, the NATO air war against Yugoslavia, the aftermath and lessons learned from the conflict, and the subsequent efforts by the United States and other countries to reconstruct and stabilize Kosovo. A concluding section looks to potential trends that may become important in the 107th Congress. Appendices provide a survey of key legislative provisions on Kosovo.

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Introduction

The Kosovo crisis and aftermath dominated U.S. foreign policy during much of the 106th Congress. Members of Congress considered a steady stream of legislative proposals over the two-year period, held dozens of hearings on the subject, participated in frequent consultative briefings with the Clinton Administration, and many traveled to the region. Congress succeeded in enacting into law expressions of the sense of Congress on various aspects of Kosovo policy. Some of the appropriations bills set spending caps on U.S. military and reconstruction contributions and imposed reporting requirements on executive branch agencies. However, attempts by some to fundamentally alter U.S. policy, to require explicit congressional authorization for military operations, or to impose concrete policy conditions on military spending proved unsuccessful. No clear consensus in Congress on current or alternative policies in Kosovo emerged before the 2000 elections.

Scenarios regarding the use of U.S. military forces in and around Kosovo were a central issue for the 106th Congress. These scenarios evolved with changing events. Anticipating the creation of a peacekeeping force to implement the Rambouillet accords in early 1999, Congress considered legislation to approve, condition, or block U.S. participation in such a force. As the situation in Kosovo turned away from peace talks and toward enforcement action, Congress reviewed proposals that supported or disapproved of the NATO air operation; the Senate, but not the House, endorsed the air strikes. Congress later considered but did not agree to resolutions that invoked the War Powers Resolution in an effort by sponsors to assert Congress' role in authorizing the military action. Some Members of Congress challenged the President's authority under the Constitution to engage U.S. armed forces in military operations in the Balkans without congressional approval. A greater number of others, however, abandoned or rejected options that might have dictated a forced removal of U.S. armed forces from Kosovo operations.

In spite of some serious misgivings about the NATO air operation in Kosovo, most Members of Congress strongly supported providing full funding for Department of Defense expenditures in the Balkans, out of concern for perceived budgetary shortfalls in the U.S. military. Thus, even Members who vehemently opposed Operation *Allied Force* voted to substantially increase funds for U.S. military forces participating in the operation. The same kind of support was not evident for meeting the Clinton Administration's request for emergency supplemental funds for civilian reconstruction and regional financial stabilization efforts. On these matters, Congress established spending limits and cut back on requested funds for regional stabilization assistance. Several pieces of legislation sought to address burden-sharing concerns in Congress, especially with regard to the European-led non-military reconstruction efforts in Kosovo.

Politics played a conspicuous if inconsistent role in the Kosovo debates. At the start of the Kosovo crisis, relations between the White House and Congress were, arguably, at their lowest point of the Clinton Administration. Mired in impeachment proceedings, the President struggled to rally Republicans and even some Democratic Members around a case for armed intervention in Kosovo. While openly distrustful of the President, the Republican leadership in Congress did not press for passage of legislation that opposed the war or directly challenged the President's authority to deploy U.S. armed forces. Instead, Republican leaders opted to keep largely silent on Kosovo, leaving responsibility for and ownership of the conflict to the President.[1] Some Members referred to the Kosovo operation as "Clinton's war." One result of the intentionally weak direction by the leadership was a seemingly inconsistent voting record by Members on Kosovo-related legislation. In some cases, the final outcome of votes hinged upon last-minute interventions by individual party leaders or by President Clinton and other officials.

Positions on Kosovo did not fall cleanly along party lines, however. As with the case of Bosnia some years earlier, many Democratic Members of Congress supported a relatively hawkish stance against the aggressive actions of Slobodan Milosevic. In contrast, many Republicans claimed that no vital U.S. interests were at stake in Kosovo and were wary of additional commitments and burdens on the U.S. military. The positions of other Members of Congress remained even less predictable. Some Democrats, such as Senator Byrd, strongly asserted legislative prerogatives in matters relating to U.S. military deployments. Some Republicans, among them Senator McCain, pressed for consideration of deeper military engagement, including deployment of U.S. combat forces, against Milosevic. Republican Representative Campbell, an opponent of U.S. participation in the NATO air war, defied the wishes of his party's leadership by introducing resolutions on Kosovo that invoked the War Powers Resolution.

The Kosovo debates revealed a lack of consensus more generally on the use of force in international conflicts and the appropriate U.S. role in such affairs. The Kosovo conflict touched upon several controversial subjects, including the international legal basis for military intervention, the role and mission of NATO, and the conduct of a limited war reliant on air power. In the run-up to the 2000 presidential elections, U.S. participation in Balkan peacekeeping became a prominent campaign issue, with Republican candidate George W. Bush and his advisors indicating that a Bush Administration would move to withdraw U.S. armed forces from the Balkan operations. Democratic candidate Al Gore, in contrast, denounced this proposal as "risky."

The issue of presidential versus congressional responsibility for war powers also reared its head during the 106th Congress. Some Members of Congress were far more willing than others to challenge the President's authority to deploy U.S. armed forces in overseas operations without congressional endorsement. Legislative proposals seeking to enhance congressional controls did not solely target the Clinton presidency, since some proposals (considered late in the 106th Congress) would have imposed deployment deadlines on Clinton's successor in the White House.

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[1] "Hill GOP Leaders Take Cautious Course on Kosovo," *Washington Post*, April 28, 1999.

The Kosovo debates also demonstrated a variety of means of influence available to the Congress. Among the many stand-alone bills and resolutions introduced on Kosovo, few came to the floor for consideration, and none were enacted. Instead, many bills or new proposals on Kosovo were considered as amendments to mandatory spending or authorizing legislation. The defense authorization and appropriations bills, for example, were prominent vehicles for Kosovo-related legislation. In addition to legislation, Members expressed their positions in formal hearings and in informal consultations with the Clinton Administration, although several complained that the consultation process was lacking. Many Members also traveled to the Balkans region before, during, and after the conflict.

Some observers contend that Members of Congress can informally influence the decision-making process by conveying likely trends of support or dissent in the Congress. For example, the perception that Congress would revolt against the introduction of U.S. ground combat troops in Serbia may have influenced the White House's decision to state initially that no ground forces would become involved in Operation *Allied Force*. Congressional focus on burden-sharing in the reconstruction process and the threat to pull out U.S. armed forces unless Europe fulfilled commitments may have increased pressure on the European Union to implement its programs more quickly.

This report first reviews key developments in Kosovo and U.S. policy during 1999 and 2000. It then examines the congressional responses to the Kosovo peace talks at Rambouillet, the NATO air war against Yugoslavia, the aftermath and lessons learned from the conflict, and the subsequent efforts by the United States and other countries to reconstruct and stabilize Kosovo. A concluding section looks at potential trends that may become important in the 107th Congress. Appendices provide a survey of key legislative provisions on Kosovo.

Developments in Kosovo and U.S. Policy, 1999-2000

At the start of the 106th Congress in January 1999, the situation in Kosovo had reached a crisis stage. Tensions between the mostly Albanian population (led by the insurgent Kosovo Liberation Army-KLA) in the southern Serbian province and the Serbian security forces had exploded into violence in early 1998.[2] Over the next months, the U.N. Security Council and the international Contact Group[3] repeatedly demanded that both parties to the conflict cease hostilities and resume dialogue on a political settlement. In October 1998, NATO threatened Belgrade with air strikes if it did not comply with U.N. demands, including the withdrawal of most of its forces from Kosovo. Air strikes were avoided by a last-minute deal with Federal Republic of Yugoslavia (FRY) President Milosevic on complying with U.N. demands and allowing an unarmed monitoring mission into Kosovo. Meanwhile, U.S. diplomats led

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[2]For more information on Kosovo, see CRS Issue Brief IB98041, *Kosovo and U.S. Policy*, by Steve Woehrel and (name redacted) (updated regularly).

[3]The Contact Group comprises the United States, Russia, Britain, France, Germany, and Italy.

"shuttle diplomacy" talks between the Serb and Albanian parties on autonomy arrangements for Kosovo. The October cease-fire agreement broke down, however, by the end of the year. The killing of about 45 ethnic Albanians in the village of Racak on January 15, 1999, prompted several emergency international meetings among Contact Group members to address the Kosovo situation.

International leaders called for convening direct negotiations with the parties to the conflict and increasing preparations for possible NATO air strikes. Peace negotiations sponsored by the Contact Group opened in Rambouillet, France, on February 6, 1999. As talks at Rambouillet focused on autonomy arrangements in Kosovo, President Clinton pledged to contribute up to 4,000 U.S. troops to an envisaged NATO-led peacekeeping force in Kosovo, should the parties reach a strong peace agreement.[4] U.S. participation in the security force was seen to be essential for securing Kosovar Albanian agreement to the Rambouillet draft peace plan. After several deadlines had passed, the Kosovar Albanian delegation to Rambouillet conditionally accepted the draft peace plan of the Contact Group; it formally accepted the accords in Paris on March 15. The Serb delegation maintained several objections to the accords, especially with regard to an armed international force to oversee implementation of the peace agreement. The talks were adjourned unsuccessfully on March 19. On a last-ditch mission to Belgrade, U.S. envoy Richard Holbrooke met with Milosevic for a final discussion, but reported no significant change in the Serbian leader's position.

On March 24, 1999, NATO launched Operation *Allied Force,* an air campaign against Serb targets in Kosovo and the rest of the FRY. In a televised address, President Clinton said that NATO's objectives were to demonstrate NATO's resolve, deter President Milosevic from continuing his attacks on Kosovo's civilians, and damage Serbia's capacity to wage war. Placing confidence in the air strike option, President Clinton stated that he "did not intend to put our troops in Kosovo to fight a war." U.S. objectives and interests at stake in the Kosovo crisis, as cited by the Clinton Administration, were to avert a humanitarian catastrophe, preserve stability in a key part of Europe, and maintain the credibility of NATO.[5]

The U.N. Security Council, which had not explicitly authorized the air operation, considered but failed to pass a Russian-sponsored resolution to demand an end to the NATO operation by a vote of 3 in favor, 12 against. In Kosovo, Milosevic accelerated his ethnic cleansing campaign, driving hundreds of thousands of Kosovar Albanians into neighboring Albania, Macedonia, and Montenegro, and greatly destabilizing the southern Balkan region. After the first few days of limited strikes, NATO expanded its target list to include downtown Belgrade and other Serbian cities. In April, NATO formulated five core demands for Milosevic to meet before air strikes would cease. He must: stop all military action in Kosovo; withdraw his forces from Kosovo; agree to the stationing in Kosovo of an international military presence, agree to the return

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[4]The estimate on the U.S. share of troops in the NATO force was later revised to 5,000-7,000, corresponding to an increase in the estimated total size of the force.

[5]"U.S. and NATO Objectives and Interests in Kosovo," U.S. Department of State Fact Sheet, March 26, 1999.

of all refugees; and agree to work on a political framework agreement for Kosovo on the basis of the Rambouillet accords.

The United States and its NATO allies carried out Operation *Allied Force* for a total of 78 days. Allied unity was upheld, although some differences among the nineteen alliance members emerged during the course of the campaign. Some allies, led by Britain, pressed for NATO to begin immediate preparations for a ground invasion of the FRY. U.S. officials demurred, although some Members of Congress supported the call for invasion preparations. President Clinton pledged to Congress that he would ask for congressional support before agreeing to commit U.S. armed forces to Kosovo in a non-permissive environment. Other European countries, such as Greece, supported a pause in the air campaign to allow Milosevic to comply with NATO's terms. The April 1999 summit commemorating NATO's 50th anniversary, held in Washington, D.C., emphasized allied unity and resolve in Operation *Allied Force.* As the air campaign wore on, however, some Members of Congress as well as observers around the world questioned NATO's strategy, especially after the accidental bombing of the Chinese embassy in Belgrade and with the rising civilian casualty toll of the bombing. In May, the International Criminal Tribunal for the Former Yugoslavia publicly indicted Milosevic and other top Serbian leaders for war crimes.

Finally on June 3, President Milosevic agreed to a peace plan brought to Belgrade by EU representative and Finnish President Martti Ahtisaari and Russian Balkans envoy Viktor Chernomyrdin. The plan was based on NATO demands and a proposal from the Group of Eight countries (the Contact Group plus Canada and Japan). Several foundational agreements ensued. On June 9, NATO and the Yugoslav Armed Forces concluded a Military Technical Agreement outlining terms of a complete Yugoslav military withdrawal from Kosovo. Claiming victory, NATO leaders ended the air strike operation on June 10. On the same day, the U.N. Security Council approved UNSC Resolution 1244, which incorporated the Ahtisaari-Chernomyrdin plan and the G-8 principles. On June 20, the KLA and NATO signed a document on the demilitarization of the KLA.

In the aftermath of the Kosovo war, President Clinton briefly espoused a new principle for military intervention in global conflicts. Addressing U.S. troops stationed in Macedonia in June 1999, Clinton stated that, if "it is within our power to stop it, we will stop" the killing of innocent civilians being targeted because of their race, ethnic background, or religion. Later, the so-called "Clinton doctrine" appeared to be tempered by statements by Clinton Administration officials and by the limited U.S. response to violence in East Timor. Moreover, the spate of violent revenge attacks by returning Kosovar Albanians on the Serb population appeared to diminish somewhat the sense of triumph about the western intervention.

NATO's peacekeeping force in Kosovo, dubbed KFOR, has been charged with the task of establishing a secure environment throughout the province. Its strength in mid-2000 was around 45,000 troops, including about 6,700 U.S. troops. U.N. Resolution 1244 established a U.N.-run transitional administration in Kosovo, the U.N. Mission in Kosovo (UNMIK), to oversee the process of building peace, democracy, and self-government in Kosovo. UNMIK holds executive authority on a provisional basis until new elections for interim autonomous institutions are held.

UNMIK is headed by former French Minister Bernard Kouchner, the Special Representative of the U.N. Secretary-General. Within a remarkably short time after the Serb withdrawal, over 800,000 Kosovar Albanian refugees returned to the province from abroad. On the other hand, most Serbs from Kosovo have left the province. Remaining Serb communities have continued to be the target of attacks throughout the province, leading many observers to question the prospects for peaceful co-existence among Kosovo's ethnic groups.

Two international donors' conferences have been held, the first in July 1999 for immediate humanitarian needs and the second in November 1999 for longer-term reconstruction projects. At the donors' conferences, the United States pledged over $220 million in reconstruction funds and $270 million in humanitarian assistance. The European Union and the United States are also leading an international initiative, the Stability Pact for southeast Europe, to promote cooperation and development in all of southeastern Europe. The FRY had been excluded from the Stability Pact until late October 2000.

Kosovo's first post-war elections held at the municipal level on October 28, 2000, registered a victory for the moderate Democratic League of Kosovo Party. While most of the province's ethnic Albanian population registered for the vote, very few (about 1,000) of the Serb population had. Elections to Kosovo-wide positions will be held sometime in 2001. Kosovo's final status, meanwhile, has yet to be addressed by the United Nations. All of Kosovo's ethnic Albanian political parties support independence for Kosovo. The Clinton Administration has maintained throughout the Kosovo conflict that it supports autonomy, not independence, for Kosovo.[6] In Serbia, meanwhile, Slobodan Milosevic was defeated in Yugoslav presidential elections in September 2000 and stepped down in early October in the face of mass demonstrations. The ascendance to power of democratic opposition leader Vojislav Kostunica appeared to usher in a dramatically different environment in Serbia, with possibly far-reaching consequences.

Congressional Response

Rambouillet and the Prospect of U.S. Participation in Peacekeeping

After the start of the Kosovo conflict in early 1998, and especially after the January 1999 Racak massacre, most Members of Congress, consistent with prevailing international opinion, lay most of the blame for the conflict on FRY President Slobodan Milosevic. Some Members expressed sympathy with the plight of the Kosovo Albanian population and introduced resolutions recommending recognition

[6]Kosovo enjoyed autonomous status within the former Yugoslavia until Milosevic ushered in constitutional changes to remove this status and eliminate Kosovo's governmental structures in 1989 and 1990.

of the Kosovo Albanians' right to self-determination.[7] Some pressed for NATO to follow through on its earlier threats of air strikes in order to compel Milosevic to comply with U.N. demands.

With the commencement of the peace talks at Rambouillet in February 1999, Members of Congress focused on the possibility of sending U.S. armed forces to Kosovo as part of an international peacekeeping presence in Kosovo. President Clinton pledged in principle to contribute U.S. troops to such a military presence; specifics on the mission, command arrangements, costs, composition, and other aspects were to await the successful conclusion of a peace agreement. The NATO-led Stabilization Force (SFOR) implementing the Dayton accords in Bosnia was seen to be a model example for a future Kosovo force – commanded by NATO and with substantial troop contributions from other NATO and Partnership for Peace countries.[8] Clinton Administration officials indicated that the U.S. share of peacekeeping troops in Kosovo would be smaller than in Bosnia. Unlike Bosnia, the Kosovo Force was to be under European, rather than U.S., command.

In several hearings and consultations with Members of Congress, Clinton Administration officials presented reasons for the United States to be engaged in Kosovo peacekeeping once a peace agreement was reached. They argued that the United States had a strong interest in ensuring regional stability and reducing possibility of conflict spillover. They said it had an interest in preventing a humanitarian disaster in Kosovo and suffering throughout the region. Upholding NATO's credibility as the most effective military organization in Europe was another key interest cited.[9] Preliminary estimates foresaw a force of about 28,000 troops, of which the United States would contribute up to 4,000 at an estimated cost of $1.5 billion to $2 billion per year.

For their part, Members of Congress appeared divided in their opinions of the prospect of U.S. participation in peacekeeping in Kosovo. In view of the likelihood of imminent intensified conflict in Kosovo if the situation there was not stabilized,[10] some expressed the view that U.S. armed forces should participate in a post-settlement peacekeeping force. Many supporters felt, however, that Europe had stronger interests at stake and therefore should take the leading role in manning such a force, with the United States contributing a smaller share. Others viewed the Kosovo peacekeeping option more negatively. They expressed wariness over supporting the KLA, the leading resistance force in Kosovo but also a group seen by

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[7]See H.Con.Res. 9 and H.Con.Res. 32. See also, "Independence for Kosovo," *Washington Post* op-ed by Senator Mitch McConnell, January 22, 1999.

[8]For more information on the role of Congress with regard to SFOR in Bosnia, see *Bosnia Implementation Force (IFOR) and Stabilization Force (SFOR): activities of the 104th Congress*, by (name redacted). CRS Report 96-723, January 6, 1997.

[9]"The U.S. Role in Kosovo." Hearing before the Committee on International Relations. U.S. House of Representatives. February 10, 1999. "Hearing on Kosovo." Hearing before the Committee on Foreign Relations. U.S. Senate. February 24, 1999.

[10]For example, see testimony of George Tenet, Central Intelligence Agency Director, Senate Armed Services Committee hearing, February 2, 1999.

many as a "shady organization" charged by the Clinton Administration with having committed terrorist activities. They pointed out that Kosovo, unlike Bosnia, was not a sovereign country and that U.S. and NATO troops would be deployed on the territory of the FRY for the first time. They argued that Kosovo failed to present a compelling U.S. interest, an achievable military objective, or a clear exit strategy. They also expressed concerns about the impact such a deployment would have on U.S. military readiness.[11]

Above all, several Members of Congress demanded that the Clinton Administration provide detailed information and consult with Congress in a timely fashion about the potential U.S. peacekeeping engagement. Many went further and asserted that Congress had a constitutional responsibility to exercise a stronger role in matters regarding the overseas deployment of U.S. armed forces. In early March, House and Senate leaders hastened to bring up Kosovo legislation for floor consideration. Expressing concern about the practice of "the Administration (taking) action without congressional action or approval," Senate Majority Leader Lott said it was important to have a debate in Congress on the matter before U.S. troops were actually deployed.[12] Several Republican leaders expressed frustration that the Clinton Administration appeared to want to circumvent Congress on such policy decisions, as they argued it did with Bosnia, and expected Congress later to approve supplemental funding for the operation.

The Clinton Administration argued that, under the Constitution, it did not require congressional authorization to commit U.S. troops to a Kosovo peacekeeping force, although it said it would welcome expressions of congressional support for U.S. troops engaged in the deployment. Clinton Administration officials criticized the timing of the congressional debates as premature and potentially disruptive to the ongoing peace proceedings at Rambouillet.

In early March, Rep. Gilman introduced H.Con.Res. 42, a bill to authorize the deployment of U.S. military personnel to Kosovo as part of a NATO peacekeeping operation. Neither criticizing nor opposing the deployment, the resolution as introduced was intended to allow the House to participate in the decision to deploy U.S. armed forces to Kosovo. House Speaker Hastert took up the Gilman resolution, though he declined to provide a leadership position on it. In opposing the rule permitting floor consideration, Rep. Gephardt stated that the timing of it was wrong and irresponsible, given that the peace talks were still ongoing. Over 50 amendments to the resolution were filed, including one (offered by Rep. Fowler) to prohibit U.S. ground troops from deploying to Kosovo.[13] Supporters of the Fowler amendment said that Kosovo was a humanitarian crisis that did not warrant a U.S. troop deployment. After extensive and divisive debate, the House passed a final amended version of the resolution that conditioned authorization of the deployment on the requirement that U.S. armed forces comprise no more than 15% of the total force,

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[11]For example, see "Autonomy for Kosovo Isn't Worth American Blood," *Wall Street Journal* op-ed by Rep. Tom DeLay, March 9, 1999.

[12]AP, March 9, 1999.

[13]The Fowler amendment was defeated, 178 to 237.

and called for the President to submit detailed reports on the deployment. While the March 11 vote, 219 in favor to 191 against, did not run counter to Clinton Administration policy on Kosovo, neither was it seen to be a ringing endorsement. Most of the "no" votes were cast by Republican Members.

In the Senate, Republican leaders agreed to consider an amendment on Kosovo with debate on an emergency spending bill unrelated to Kosovo (S. 544). The Kosovo amendment, sponsored by Senator Hutchison, sought to bar defense funds for the deployment of U.S. ground forces to the FRY unless several conditions were met, including the conclusion of a peace agreement and the submission of a Presidential report on aspects of the deployment. The amendment would have also required the President to submit bi-monthly reports on the benchmarks that were to be established to measure progress and determine the ultimate withdrawal of U.S. armed forces from Kosovo.

While the Senate was considering this amendment, however, the situation with regard to Kosovo changed from one focused on reaching an agreed settlement and considering a peacekeeping force to one of imminent war against the holdout party, Serbia. In briefings with House and Senate Members on March 18 and 19, President Clinton and other Administration members made clear that the United States was prepared to lead NATO forces in military actions against the FRY. Subsequent legislation and debate turned its focus to that prospect.

Operation Allied Force and the Role of Congress

On March 18, the Kosovo Albanian delegation to the Rambouillet talks signed the draft peace plan in Paris. With the Yugoslav delegation offering no sign of agreement, NATO countries made final preparations for air attacks against the FRY. Before the Congress, U.S. armed services chiefs gave testimony on the likely risks involved in such an operation. They anticipated that the majority of aircraft would come from the United States. The turn of events appeared to catch many in Congress by surprise and left little time to consider legislative responses. President Clinton and Administration officials held several meetings and briefings with Members of Congress just prior to and after the start of Operation *Allied Force*.

On March 19, Senate Majority Leader Lott introduced an amendment to reflect evolving circumstances, amending an existing amendment of a supplemental spending bill (the Hutchison amendment, see previous section). Lott and other supporters of the amendment argued that Congress should be involved and take a stand on military action by the United States. The Lott amendment sought to bar Department of Defense funds for the purpose of conducting any military operations in the FRY (with the exception of intelligence and logistics support operations), unless Congress first authorized U.S. participation in such an operation. The amendment specified that "United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States." On March 23, after several Members met with President Clinton, the Senate voted, 55 to 44, not to invoke cloture on the Lott amendment, eliminating the prospect for an up-or-down vote on the amendment. The Hutchison amendment, and therefore also Senator Lott's second-degree amendment, was ultimately withdrawn the same day.

Instead the House and Senate considered new resolutions on the pending NATO operation. In a March 23 letter to the Senate leadership, President Clinton asked for "legislative support as we address the crisis in Kosovo," "without regard to our differing views on the Constitution about the use of force."[14] S. Con. Res. 21 (sponsored by Senators Biden, Warner, Levin, Byrd, and McConnell), stated that "the President is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia." Opponents cited many objections to the policy, among them: trying to coerce the FRY into a peace agreement; becoming directly involved in a civil war; expanding NATO's mission beyond the collective defense of the allies; and, leaving unspecified what might follow air strikes. Opponents questioned why the United States should become involved in the Kosovo conflict when it did not respond to humanitarian crises elsewhere in the world. Fearing descent by the U.S. armed forces into a military quagmire, Senator Stevens sought to add language to S. Con. Res. 21 barring funds for ground forces in a non-peacekeeping role, but later dropped the provision.[15] Proponents of the resolution said it was appropriate for NATO to act in response to the security threat and humanitarian crisis resulting from Milosevic's actions in Kosovo. They cited the lack of alternative options and the need to maintain U.S. and NATO credibility. The Senate approved S. Con. Res. 21 on March 23 by a vote of 58 in favor, 41 against. Nearly all of the votes against the resolution were from Republican Members.

NATO's Operation *Allied Force* commenced the following day. Instead of addressing the air campaign directly, the House took up a resolution, H. Res. 130, with a different focus. By a vote of 424 to 1, the House resolved that it supported members of the U.S. armed forces who were engaged in military operations against the FRY. Now that the operation was underway, Members stressed the importance of putting aside differences about policy and uniting behind U.S. military personnel carrying out the policy. Members spoke both for and against the mission, but all expressed support for U.S. armed forces. The Senate followed by passing S. Res. 74, an identical resolution praising members of the U.S. armed forces, by unanimous consent.

Contrary to some expectations, Milosevic showed no signs of capitulating after a few days of air strikes, and even accelerated the drive to expel hundreds of thousands of Kosovo Albanians, creating a refugee crisis in neighboring countries. After a congressional recess, during which time several Members visited the region, Congress revisited the question of its role in the military campaign in Yugoslavia. Individual Members made numerous statements for and against the NATO operation and other options, and some introduced legislation on the subject. The congressional leadership, however, remained reluctant to push forward any major Kosovo legislation while the operation continued and the President urged continued resolve. Some observers saw this "hands off" approach to be deliberate, with some Members

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[14]Congressional Record, S3101, March 23, 1999.

[15]"Members Rally Around Kosovo Mission Despite Misgivings About Strategy," *Congressional Quarterly Weekly Report*, March 27, 1999, p. 763-764.

referring to the operation as "Clinton's war."[16] Several committees convened hearings on Kosovo. In late April-May, however, Congress was compelled to consider legislation under the War Powers Resolution and the President's request for emergency funding to pay for the military operation.

Rep. Tom Campbell, who opposed the bombing operation, initiated the move to consider legislation that invoked the controversial War Powers Resolution, thus expediting floor consideration. The War Powers Resolution was passed over a presidential veto in 1973 with the intent to increase congressional authority on the use of U.S. armed forces abroad.[17] In defiance of party leadership, Rep. Campbell challenged other Members of Congress to make explicit their positions on the Kosovo campaign and carry out their constitutional responsibility on matters relating to war. On April 12, he introduced two resolutions. H.J.Res. 151 declared that a state of war existed between the United States and Yugoslavia. H.Con.Res. 82 directed the President to remove U.S. armed forces from operations against Yugoslavia within thirty days of passage of the resolution. Rep. Campbell and other House Members later filed suit in Federal District Court on whether the President was required to obtain congressional authorization before continuing the war against Yugoslavia.[18]

On April 27, the House International Relations Committee reported out both resolutions unfavorably. Neither resolution appeared likely to pass, as Members expressed little interest in declaring war or forcing a pull-out of U.S. armed forces. As put by House Majority Leader Armey, "the choices are too stark."[19] Two other bills were put forward for simultaneous consideration. H.R. 1569, sponsored by Rep. Fowler, set a ban on defense funds for the deployment of U.S. ground troops in Yugoslavia unless specifically authorized by Congress. The House was also to consider S. Con. Res. 21, the Senate-passed bill authorizing military air operations against Yugoslavia.

The House votes on April 28 produced a muddled message on Kosovo policy. H.R. 1569 on restricting the use of U.S. ground troops in Kosovo passed by a vote of 249 in favor to 180 against. H. Con. Res. 82, directing the President to remove U.S. armed forces from military operations in Yugoslavia, failed by a vote of 139 in favor, 290 against. H.J.Res. 44, declaring war on Yugoslavia, failed, 2 to 427. Finally, S.Con.Res. 21, authorizing air strikes, failed passage in a tie vote, 213 to 213. The last vote prompted mutual recriminations from the two parties. House Minority Leader Gephardt called the House's inability to support the air operation a "low moment in American foreign policy" and blamed efforts by Republican Party Majority

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[16]"Congress Set to Provide Money, But No Guidance, for Kosovo Mission," *Congressional Quarterly Weekly Report*, May 1, 1999, p. 1036-1040.

[17]For more information on the War Powers Resolution, see *War Powers Resolution: Presidential Compliance*, by (name redacted). CRS Issue Brief IB81050, updated regularly.

[18]See CRS Issue Brief IB81050 for status of the Campbell suit; see also *Declaration of War Against Yugoslavia: Implications for the United States*, by David A. Ackerman and (name redacted). CRS Report RL30146, April 30, 1999.

[19]Knight-Ridder Information Services, April 28, 1999.

Whip DeLay to defeat the authorizing measure. Republican leaders countered that the Democrats had not worked hard enough to gain support for their resolution.[20]

In the Senate, Majority Leader Lott initially moved to introduce a resolution similar to H.R. 1569, just passed by the House, to require congressional approval prior to the introduction of ground troops to Kosovo, but dropped the measure as the Senate instead took up a different proposal on the ground force option (see section on "Preparing for a Ground Invasion," below). Other Members in both chambers made additional efforts to block funding for military operations in Yugoslavia unless specifically authorized by Congress, but failed to see their passage. President Clinton threatened to veto any bill that included such restrictions.[21]

In spite of serious misgivings on the part of some Members of Congress about Operation *Allied Force*, congressional leaders pledged to provide all the funding support needed by the U.S. military participating in the NATO operation. On April 19, President Clinton sent to Congress an emergency supplemental funding request for about $6 billion in Fiscal Year 1999 to cover unanticipated costs of the Kosovo operation and its impact on military readiness. $5.1 billion of the request was for the Kosovo air campaign, munitions replenishment, and readiness funding. About $900,000 was for refugee and humanitarian assistance. Members of the House immediately announced their intention to add billions to the request to redress perceived defense spending shortfalls not directly related to Kosovo.

The House version of the emergency spending bill, H.R. 1664, included nearly $13 billion in supplemental funding for defense, including military construction, a military pay increase, and munitions. About $5 billion of the total was to cover Balkan operations. The House rejected (by a vote of 117 ayes to 301 noes) an amendment sponsored by Rep. Istook that sought to bar funds for any plan to invade Yugoslavia with U.S. armed forces, except in time of war. Rep. Istook noted that the amendment was identical, with the exception of the country in question, to one filed in 1967 during the Vietnam War. Several House Members who voted in favor of a similar bill one week earlier (H.R. 1569) and who agreed with the intent of the Istook amendment, opposed its inclusion in the supplemental bill, fearing it might delay or threaten passage of the spending bill. H.R. 1664 was later incorporated into H.R. 1141, a bill to provide emergency supplemental funds for Central America and U.S. farmers. Numerous add-ons to the bill (unrelated to Kosovo) and veto threats from the Clinton Administration threatened final passage of the supplemental funding bill, but all issues were resolved in mid-May. The final version met the President's request for $5.5 billion for NATO's air campaign, and provided $1 billion in humanitarian assistance and about $5 billion more in other military spending.

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[20]"GOP's Abiding Distrust of Clinton Doesn't Stop at Water's Edge," *Congressional Quarterly Weekly Report*, May 1, 1999, p. 1038-1039. Speaker Hastert, who voted in favor of S.Con.Res. 21, later expressed regret that he did not promote its passage on the House floor. "Hastert Regrets Not Leading Push for Airstrikes Resolution," *Washington Post*, May 7, 1999.

[21]See House and Senate amendments to H.R. 1401 and S. 1059, the Department of Defense authorization bills for FY 2000.

Ongoing Operation and Alternative Strategies

While most attention remained focused on operational aspects of *Allied Force* at the start of the campaign, some Members of Congress proposed some alternative strategies to the Kosovo crisis as well. As it became clear that the NATO air campaign was going to last well beyond most initial estimates, some Members also began to call for preparations for additional measures, including the introduction of ground troops. The Republican leadership in both houses, however, provided little guidance on party positions; indeed, both parties revealed a wide range of opinions on these issues.

Arming the Kosovars. As early as at the start of Operation *Allied Force*, Senator McConnell and Senator Lieberman announced their intention to introduce the "Kosovo Self-Defense Act (S. 846)," a bill to provide up to $25 million to arm and equip the Kosovo Albanian forces for their self-defense. In the House, Rep. Engel introduced a complementary bill on Kosovo's self-defense (H.R. 1408). The bill sponsors said that their intention was to provide a follow-on strategy to the Kosovo crisis if the bombing campaign alone did not achieve peace. They argued that the United States had a moral obligation to enable the Kosovo population to defend themselves, especially if NATO had no intention of introducing ground troops into Kosovo in a non-permissive environment. Assisting the Kosovars to provide for their own defense against Milosevic's forces, they argued, would provide the United States with an exit strategy in the absence of a peace agreement. They hearkened to earlier, extensive and divisive debates in the Congress over arming and training the Bosnian government during the Bosnian war in the early 1990s.

Others, including the Clinton Administration, viewed this initiative as inappropriate in the midst of a major military operation and likely to fuel an arms race. They said this policy would violate the U.N. arms embargo and run counter to the goal of achieving the demilitarization of both parties to the conflict. Arming the Kosovars might also imply support for Kosovo's independence, which the Clinton Administration opposed. Some argued that such a move would constitute an invitation for Russia, theoretically a partner in international efforts to end the Kosovo conflict, to provide arms to Serbia.

While neither chamber brought the Kosovo self-defense bills to the floor for consideration, the Senate voted to include some funds for a similar purpose in the FY 2000 appropriations bill for foreign operations. The Senate bill (S. 1234) earmarked $20 million in Support for East European Democracy (SEED) Act funds for "training and equipping a Kosovo security force." The Clinton Administration opposed this provision since it could be interpreted as military aid designated for the Kosovo Liberation Army.[22] The earmark was later dropped in conference.

Preparing for a ground invasion. President Clinton's explicit exclusion of a ground force option at the start of the NATO operation came under criticism in Congress. Some Members emphasized the need for victory above all other

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[22] Statement of Administration Policy: S. 1234, Office of Management and Budget, June 30, 1999.

considerations and urged planning for a possible ground force invasion of Kosovo. Senator McCain emphasized that "we are in it; now we must win it."[23] He warned of negative consequences around the globe if NATO were to fail in Yugoslavia. He stated that the ground force option should be held open as a credible threat. Senator Lugar called for the immediate, conspicuous planning for the use of NATO ground troops to demonstrate to Milosevic NATO's resolve.[24] In response, Clinton Administration officials continued to insist that air strikes (albeit intensified) would eventually succeed in altering Milosevic's behavior. They repeated arguments against a ground force invasion and estimated that an invasion operation would have to involve hundreds of thousands of troops under very dangerous circumstances. They also indicated that there was no consensus within NATO to embark on such plans, and that any move to consider this option would threaten allied cohesion.

On April 20, 1999, Senator McCain and Senator Biden introduced S.J.Res. 20, a resolution to authorize the President to use "all necessary force" to meet NATO's goals in Kosovo. The phrase "all necessary force" was intended to mean a possible ground invasion of Yugoslavia. Sponsors of the bill inadvertently triggered deadlines under the War Powers Resolution that required expedited procedures through the legislative process. On April 30, the Senate Foreign Relations Committee reported out S.J.Res. 20 without a recommendation. However, the bipartisan Senate leadership agreed to move to "table," or set aside, the bill rather than put it to a direct, up-or-down vote. The leadership apparently wanted neither to endorse an escalated war nor to reveal to Milosevic a lack of resolve. Other Senators expressed concerns that the resolution's authorization was too broad and that the timing of it was premature. President Clinton, meanwhile, told congressional leaders that he had no plans to introduce U.S. ground forces into the conflict and would in any case ask for congressional support before such an event.[25] Senator McCain sharply criticized the Senate leadership as well as the Clinton Administration for not seeking an open debate and vote on the issue. He urged Senators at least to declare, during floor debate, unequivocally their support or opposition for the war. He said, "Shame on the President if he persists in abdicating his responsibilities. But shame on us if we let him."[26] The Senate voted, 78 to 22, to table S.J.Res. 20 on May 3, 1999.

In another attempt to exercise some control over the possible introduction of combat ground troops into Kosovo, Senator Specter introduced an amendment to the FY 2000 defense authorization bill (S. 1059) that sought to bar funds for the

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[23] "As Kosovo Crisis Escalates, Calls Increase to Reconsider Use of Ground Troops," *Congressional Quarterly Weekly Report*, April 3, 1999, p. 809-811.

[24]Ibid. Other Senators cited in this article as supportive of ground force preparations were Senators Gordon Smith, Hagel, and Biden. Several other Members in both chambers later made statements urging the President to leave all military options open, including the use of U.S. ground troops.

[25]"Congress Set to Provide Money, But No Guidance, for Kosovo Mission," *Congressional Quarterly Weekly Report*, May 1, 1999, p. 1036-1040; Congressional Record, May 3, 1999, S4531.

[26]Congressional Record, May 3, 1999, S4514; "Senate Shelves McCain Proposal on Kosovo," *Washington Post*, May 5, 1999..

deployment of U.S. ground troops in Kosovo, except for peacekeeping personnel, unless Congress issued a declaration of war or passed a joint resolution authorizing the use of military force. The Senate voted to table the Specter amendment on May 25, by a vote of 52 to 48. The following day, the Senate rejected another amendment, this one by Senator Robert Smith, to block funds for either combat or peacekeeping military operations in Kosovo.

An effort in the House to forge a bipartisan approach on an "all necessary force" resolution was reportedly rejected by the House leadership.[27] However, had Milosevic not agreed to NATO demands in early June, and had the Clinton Administration changed its policy on this issue, discussion in Congress of a possible ground force invasion of Yugoslavia would most likely have been revived.

Removing Milosevic from power. At the start of Operation *Allied Force*, Senator Helms introduced legislation that targeted Slobodan Milosevic's rule in the FRY. He argued that the only way to stop Milosevic's "reign of terror" in the Balkans was to address the underlying cause of the Balkans wars: Slobodan Milosevic's continued rule. Senator Helms argued that "our objective must change from appeasing Milosevic to sponsoring democratic change in Serbia and Milosevic's removal from power."[28] On May 24, 1999, the International Criminal Tribunal for the former Yugoslavia indicted Milosevic and other top Serbian political and military leaders for war crimes committed in Kosovo.

The Clinton Administration supported this measure and other like endeavors. At the Sarajevo summit meeting that launched the Stability Pact for southeast Europe on July 30, 1999, President Clinton said he would provide $10 million to promote democracy in Serbia, maintain sanctions against the Milosevic regime, and support the democratically-elected government in Montenegro. After Milosevic's withdrawal from Kosovo, some observers predicted that Milosevic would soon fall from power or be defeated at the polls.

Co-sponsored by Senators Helms, Lugar, Gordon Smith, Lieberman, and Lautenberg, among others, the Serbia Democratization Act (S. 720) aimed to promote the democratic development of Yugoslavia. It included an authorization of $100 million to implement programs to assist the democratic opposition, non-governmental organizations, and the independent media. It also codified sanctions against Yugoslavia, as well as exemptions to the sanctions. Backed by the Clinton Administration, the Senate passed S. 720 on November 4, 1999.

In its version of the FY 2000 appropriations bill for foreign operations, export financing, and related programs (S. 1234), the Senate approved on June 30 an amendment offered by Senator Helms that provided $100 million in assistance to promote democracy in Serbia. This amendment was later dropped in conference committee. In 2000, a version of the Serbia Democratization Act reappeared as Title

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[27]"Hill GOP Leaders Take Cautious Course on Kosovo," *Washington Post*, April 28, 1999.

[28]"Our Exit Strategy," *Washington Post* op-ed by Senator Jesse Helms, March 25, 1999.

V of S. 2382, a foreign aid authorization bill. Title V authorized $50 million in assistance to democratic programs in Serbia and Montenegro.[29]

On September 25, 2000, the House passed H.R. 1064, its version of the Serbian Democratization Act, one day after Milosevic appeared to have lost elections to the democratic opposition in Serbia. H.R. 1064 provided $50 million to Serbian opposition groups and $55 million to Montenegro, and codified sanctions against Serbia. The House bill's sponsor, Rep. Christopher Smith, noted that both opponents and supporters of the U.S. troop deployments to the region supported the bill.[30] Further consideration of H.R. 1064 stalled in the Senate, although Congress eventually agreed, in the FY2001 foreign operations appropriations measure, to provide $100 million for assistance to Serbia, subject to certain conditions, in response to Milosevic's ouster.

In a related manner, legislative provisions barring reconstruction funds from being used in Serbia or codifying sanctions against Belgrade aimed at isolating the Milosevic regime and encouraging its eventual demise. Several such sanctions were included in the appropriations bills for foreign operations, export financing, and related programs for Fiscal Years 2000 and 2001. In the aftermath of Milosevic's fall from power in October 2000, however, the Clinton Administration moved toward lifting sanctions. Congress and the Clinton Administration agreed to provide assistance to Serbia bilaterally and to review Yugoslavia's status in multilateral lending institutions.

Conflict Aftermath and Lessons Learned

With Milosevic's acceptance of the international peace plan on June 3, 1999, and the end of Operation *Allied Force* on June 10, the international focus on Kosovo swiftly turned from war operations to peacekeeping. President Clinton claimed victory and pledged to "finish the job" of helping bring peace to Kosovo, along with other allies. The United States assumed command of one of five Kosovo Force (KFOR) sectors. Congress remained engaged with the issue of U.S. participation in the KFOR and the U.S. role in rebuilding Kosovo. Congress was also interested in examining "lessons learned" from the air operation, especially for the Defense Department.

In June 1999, while the House was considering a bill to authorize Department of Defense spending for Fiscal Year 2000 (H.R. 1401), it rejected proposals to limit use of defense funds for military operations in Kosovo. Rep. Skelton succeeded in removing from the bill a controversial provision on preventing defense funds to be used for combat or peacekeeping missions in Kosovo. The Skelton amendment retained a provision that required the president to request supplemental funding for peacekeeping. In a letter to Congress, President Clinton pledged to request

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[29]For more information on this bill, see *Foreign Aid Authorization: the Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000*, by (name redacted).CRS Report RL30530.

[30]"Congress Backs Clinton's Push for Yugoslav Leader to Step Down," *Congressional Quarterly Weekly Report*, September 30, 2000, p. 2288.

supplemental appropriations for the Kosovo peacekeeping deployment rather than draw funds from other defense accounts. This pledge reportedly convinced many Republican Members to agree to strike the restriction.[31] The cost of U.S. participation in peacekeeping in Kosovo, not included in the regular appropriations bills, was estimated to total about $2 billion for Fiscal Year 2000. The Clinton Administration submitted its request for supplemental Fiscal Year 2000 funds for the KFOR operation in April 2000.

After the air campaign, Congress became interested in shaping the U.S. role in the international reconstruction of Kosovo, particularly with regard to U.S. policy vis-à-vis Serbia and to the U.S. share of the reconstruction burden. Several provisions in the foreign operations appropriations bill for Fiscal Year 2000 set forth prohibitions on reconstruction aid to Serbia and barred assistance to states harboring war criminals. Reconstruction aid for Kosovo was conditioned on the Secretary of State certifying that the U.S. pledge at an upcoming international donors' conference would not exceed 15% of the total amount pledged.[32] The bill also barred U.S. funds from large-scale infrastructure projects in Kosovo. The topic of the appropriate U.S. share of international reconstruction aid would be revisited in more depth in 2000 (see discussion on burden-sharing, next section).

Many committees convened hearings on the "lessons learned" from the Kosovo conflict. At hearings with U.S. and NATO political and military leaders, Members reviewed events and decisions that led to the start and conclusion of the *Allied Force* operation. U.S. officials emphasized the mission's "unqualified success;" Defense Secretary Cohen said that "every single objective that was set out by NATO in fact has been achieved."[33] Generally lauding the conduct of the operation, Members questioned some aspects of strategy and command, heard initial battle damage estimates, and discussed implications for U.S. and allied military planning and procurement. Some Members, however, continued to question the justification for NATO intervention and the wisdom of supporting the Kosovar Albanian side in the conflict.

As required by the Fiscal Year 2000 defense authorization and defense appropriations laws, the Department of Defense issued its final "after-action" report on *Allied Force* on January 31, 2000.[34] The report proclaimed "extraordinary success" in the operation. In 78 continuous days of operation, NATO aircraft flew 38,000 sorties and suffered no combat fatalities. The United States contributed the majority of military assets to the operation. The report identified the Department's

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[31]"Republicans' Unease with Clinton Marks House Passage of Defense Bill," *Congressional Quarterly Weekly Report*, June 12, 1999, p. 1395-1396.

[32]On December 3, 1999, Secretary of State Albright certified that the U.S. pledge at the November 17, 1999 Kosovo donors' conference amounted to 14.82% of the total pledges [FR Doc. 99-32072].

[33]Senate Armed Services Committee Hearing on Kosovo. Federal Document Clearing House transcript. July 20, 1999.

[34]P.L. 106-65, Section 1211 and P.L. 106-79, Section 8125. The DoD report is available at [http://www.defenselink.mil/pubs]

view on key lessons learned and actions needed to correct shortcomings and improve military capabilities.[35]

Many U.S. officials touted the importance of sustained allied unity in achieving eventual success. However, they pointed out that the operation also revealed a wide technological gap between the United States and its allies in military capabilities.[36] They indicated that addressing these disparities would become a priority for the Clinton Administration in alliance relations.

Resources and Burden-Sharing in Post-Conflict Kosovo

The issue of equitable burden-sharing between the United States and its European allies in European security affairs has long been of interest to the Congress. In recent years, some Members of Congress have contended that the United States should withdraw its military forces from Bosnia and allow the European allies to take over that peacekeeping operation. Some Members have argued the same for Kosovo, believing that Europe's closer proximity to and therefore greater national interests at stake in the Balkans should be reflected in greater responsibility for the military and economic reconstruction burden. In particular, they have pointed to the disproportionately large contributions made (and costs incurred) by the United States to Operation *Allied Force*. The United States contributed the largest number of aircraft, which flew the largest number of sorties, and brought to the mission the most high-performance equipment and weaponry. Proponents of this view argue that overseas missions such as the Balkan operations have strained military readiness and diverted attention and resources from core U.S. national security interests.

The Clinton Administration has maintained that the United States should continue to participate in international programs to stabilize the Balkans, but that the European nations should lead the post-war reconstruction effort. In early 2000, U.S. officials and Members of Congress openly began to criticize the European allies' contributions to date in efforts to secure in the peace in Kosovo. Defense Secretary Cohen pointed to a "clear failure" by participating nations, and especially by NATO allies, to provide sufficient numbers of civilian police to the U.N. administration in Kosovo. He criticized the need for KFOR soldiers to perform police activities in the absence of a fully-deployed civilian police force.[37]

Some Members of Congress who had visited the Balkans region over the legislative recess registered concerns about the poor security environment in Kosovo, ethnic Albanian revenge attacks against the Serb population, and the slow pace of establishing the international civil administration in the province. In hearings and in public statements, Members sharply criticized Europe's record to date in leading the

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[35] Months after the end of *Allied Force*, however, media reports continued to emerge that questioned NATO's claims of battle damage as well as levels of civilian casualties.

[36] See also *Kosovo: Lessons Learned from Operation Allied Force*, coordinated by (name redacted), CRS Report RL30374, November 19, 1999, and originally prepared at the request of Senator Roth.

[37] Congressional Record, February 10, 2000, S593.

civil implementation and reconstruction efforts in Kosovo. International organizations such as the United Nations, the European Union, the Organization for Security and Cooperation in Europe, according to Senator Warner, were "simply not doing their job." Moreover, he pointed out that the ability of U.S. armed forces eventually to withdraw from Kosovo (and from Bosnia) was directly tied to the ability of these organizations to fulfill the objectives of their mission.[38]

In early March, the President submitted a request to Congress for emergency supplemental funding for FY 2000 that would provide about $2 billion for military costs for U.S. participation in KFOR and about $600 million for reconstruction and other economic aid to the region, including $92.8 million for Kosovo reconstruction.[39] Senator Warner and Senator Levin, among others, warned that they would introduce amendments to the supplemental funding bill to address burden-sharing issues in Kosovo. They said they would propose restricting military funds or imposing a withdrawal date for U.S. armed forces unless the President could give assurances on the pace of implementation of the European allies' commitments to civilian and reconstruction efforts in Kosovo. Senator Byrd argued that the United States should take steps to turn over the Kosovo operation to the European allies; since the United States won the war, Europe should keep the peace.[40]

The House considered the President's supplemental funding request in H.R. 3908. The House Committee on Appropriations recommended fully funding the President's request for $2 billion for Kosovo peacekeeping. It cut nearly by half the President's request for economic assistance for southeast Europe and Kosovo. Citing concerns about other nations' contributions to Kosovo peace implementation, the committee allocated only $12.4 million of the $92.8 million requested for Kosovo, and allocated this amount only for U.S. police officers serving in the U.N. civil police force. It also said that the President's request for additional resources for Kosovo reconstruction ran counter to the Clinton Administration's assurances that the United States would not lead the rebuilding effort of post-conflict Kosovo.[41]

Rep. Kasich introduced an amendment to H.R. 3908, based on an amendment developed by Senator Warner, that would withhold half of the funds for the Kosovo peacekeeping deployment until the President certified that the European allies had obligated a significant percentage of their financial or personnel pledges in Kosovo. These included 33% pledged for reconstruction assistance, 75% for humanitarian assistance, 75% pledged for Kosovo's budget, and 75% of personnel pledged for the U.N. international police force. If the President did not submit the report by June 1,

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[38] *Ibid*; Senate Armed Services Committee Hearing on Kosovo, February 2, 2000 (Reuters transcript).

[39] For more information on the entire supplemental request and congressional response, see *Supplemental Appropriations for FY 2000: Plan Colombia, Kosovo, Foreign Debt Relief, Home Energy Assistance, and Other Initiatives*, by (name redacted), (name redacted), (name redacted), and Nina Serafino and (name redacted), CRS Report RL30457, updated July 5, 2000.

[40] "Europe's Turn to Keep the Peace," *New York Times* op-ed by Robert C. Byrd, March 20, 2000.

[41] H.Rept. 106-521.

2000, the remaining 50% of funds would be available only for the purpose of withdrawing U.S. military personnel from Kosovo. Rep. Kasich said that the amendment was intended to make the European allies live up to their existing pledges. Other Members agreed with the sentiment of the Kasich amendment but argued that it was on the wrong legislative vehicle. The funds provided by the supplemental funding bill were not for the deployment of U.S. troops or for Kosovo's reconstruction, they argued, but were to replace monies that have already been spent by the Defense Department. The Kasich amendment was defeated by a vote of 200 in favor, 219 against, on March 29. The House passed H.R. 3908 the same day.

The Senate leadership chose not to consider H.R. 3908, but to attach portions of the supplemental funding request to regular FY 2001 appropriations bills. On May 9, the Senate Appropriations Committee adopted (by a vote of 23 to 3) the Byrd-Warner amendment to the FY 2001 military construction appropriations bill (S. 2521/H.R. 4425). The amendment contained three main provisions. First, no funds were to be available for the continued deployment of U.S. armed forces in Kosovo after July 1, 2001, unless the President submitted a report requesting a specific authorization for a continued deployment and Congress enacted a joint resolution authorizing a continued deployment. The President would be able to waive (for a maximum 180 days) the limitation on funding in emergency situations. U.S. military personnel providing intelligence support, air surveillance, and related activities were exempted from the restriction. Second, the President was to develop a plan on the transition to a Kosovo force that did not include U.S. armed forces by July 2001. The President would have to report regularly on the remaining number of U.S. troops in Kosovo and the costs of the Kosovo operation. The third section of the amendment said that not more than 75% of the funds provided by this bill for FY 2000 could be used until the President certified, by July 15, 2000, that the European allies had obligated at least 33% of the amounts they pledged for reconstruction assistance in Kosovo, 75% of pledges for humanitarian assistance, 75% of pledges for the Kosovo budget, and 75% of pledges of police personnel for the U.N. international police force. If the President did not submit the report by July 15, 2000, the remaining 25% of funds would be available only for the purpose of withdrawing U.S. military personnel from Kosovo, unless Congress enacted a joint resolution that authorized that amount to be used for purposes other than withdrawal. This last provision removed the "automatic trigger" of withdrawal that was implicit in the failed Kasich amendment in the House.

Elaborating on the Appropriations Committee's approval, Senator Warner said that the amendment, which had been circulating in draft form since March, had already served as a "wake-up call" to the European allies to expedite the process of fulfilling their commitments on rebuilding Kosovo. He acknowledged that the allies had indeed improved the pace of obligating their contributions, but argued that the amendment was still needed as a means for Congress to "exercise its constitutional duty." He said that the amendment would allow the next President (after the 2000 presidential elections) to seek and receive in mid-2001 congressional authorization to continue the deployment of U.S. armed forces in Kosovo.[42] Senator Byrd said that the intent of the provision was not to force a pull-out of U.S. armed forces from

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[42]Congressional Record, May 11, 2000, S3887-S3893.

Kosovo, but to restore congressional oversight and to return to Congress its constitutional authority in such matters.

The Clinton Administration strongly opposed the Byrd-Warner amendment and threatened to veto the entire appropriations bill if it included the amendment. It said that the provision would damage U.S. credibility abroad, undermine NATO, and increase uncertainty in Kosovo. While the Clinton Administration shared the concern that the European allies should live up to their military and economic commitments, officials argued that the deadlines in the legislation were tied to arbitrary burden-sharing criteria. They also pointed out that European Union members were already providing about 65% of the troops in Kosovo and over 70% of reconstruction funding. Former NATO Supreme Allied Commander Gen. Wesley Clark argued that adoption of the amendment would produce a negative response by the European allies and encourage greater instability in the Balkans. Some Members of Congress, including Senator Levin and Senator McCain, said the amendment would send the wrong message to the allies and to the rest of the world, and signify a clear intent to pull U.S. troops out of the Balkans.[43] On the eve of the Senate vote on the bill, Republican presidential candidate George W. Bush also came out against the Byrd-Warner provision. A Bush campaign spokesman called it "legislative overreach on the powers of the presidency."[44] On May 18, the Senate voted to remove the Byrd-Warner provision (through an amendment by Senator Levin) by a vote of 53 in favor, 47 against.[45] Vice President and Democratic Party candidate Gore presided over the close vote. Senator Warner stated afterward that the "George W. Bush factor" played a significant role among Republican Members in defeating his provision. Democrats cited the Clinton Administration's lobbying efforts to be a factor affecting the outcome of the vote.[46]

One day earlier, however, the House approved another burden-sharing amendment put forward by Rep. Kasich, this time to the defense authorization bill for FY 2001 (H.R. 4205), by a vote of 264 in favor to 153 against. The Kasich amendment would require the President to certify, by April 1, 2001, that certain burden-sharing goals had been met. These were for the European Union and European NATO members to obligate 50% of their pledges for reconstruction, 85% of pledges for humanitarian assistance, 85% of pledges for Kosovo's budget, and 90%

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[43]Congressional Record, May 11, 2000, S3899-S3900; "Cohen Warns of Veto Over Kosovo Pullout Bill," *Washington Post*, May 16, 2000.

[44]"Bush Tells Hill of Doubts on Kosovo Deadline," *Washington Post*, May 17, 2000; "Bush Deblates GOP Senators' Plan to Confront Clinton over Kosovo," *Congressional Quarterly Weekly Report*, May 20, 2000, p. 1199-1201.

[45]On July 13, 2000, the President signed the FY 2001 military construction appropriations bill into law (P.L. 106-246). It included emergency Fiscal Year 2000 supplementing funding for U.S. military operations in Kosovo (about $2 billion) and for some economic assistance to Kosovo, Croatia, and Montenegro ($50 million).

[46]The conference report on HR. 4425 provided, as emergency FY 2000 funding, $2.025 for U.S .military operations in Kosovo, $50 million in SEED funds for Croatia and Montenegro, and $12.4 million to assist police activities in Kosovo. H.R. 4425 was signed into law on July 13, 2000 (P.L. 106-246).

of their pledges for the U.N. police. If no certification was provided, the amendment would restrict any further funds for the continued deployment of U.S. armed forces in Kosovo except for the purpose of withdrawing them. The President would have to provide a plan for a phased withdrawal of U.S. troops within 30 days. The President would be able waive the restriction for a maximum of 180 days (which could be further extended if Congress so authorized). The Kasich amendment withheld no funds at the outset. The addition of the waiver appeared to attract additional supporters from both parties, in contrast to the earlier Kasich amendment that narrowly failed in March.

In October, congressional conferees on the defense authorization bill, led by Senator Warner, agreed to drop the controversial Kasich amendment in the face of strong Clinton Administration opposition and the possible risk of a presidential veto. Senator Levin argued that the Kosovo provision was not an appropriate way for Congress to exercise its authority on this issue. The final bill did include provisions requiring the President to provide a report to Congress on its exit strategy for U.S. armed forces in Kosovo with militarily significant benchmarks. The President was also required to submit semi-annual reports on the level of contributions of European nations to Kosovo peacekeeping.

With regard to funding, the defense authorization bill limited Department of Defense funds for Kosovo peacekeeping to $1.65 billion in FY 2001, with the possibility of a presidential waiver to provide more. In the defense appropriations bill, Congress appropriated about $2 billion for ongoing military operations in Kosovo (H.R. 4586, P.L. 106-259). For civilian reconstruction assistance in FY 2001, Congress (in the foreign operations appropriations bill, P.L. 106-429) limited U.S. funds to 15% of the total amount pledged for calendar year 2001. After Milosevic's fall from power on October 5, appropriators included $100 million for assistance to Serbia, available until March 31, 2001, after which, in order for more funding to be available, the President must certify that Belgrade was cooperating with the Hague Tribunal and implementing the Dayton peace agreement on Bosnia.

Outlook

Toward the end of the 106th Congress, events took a dramatic turn in Serbia. Yugoslav President Slobodan Milosevic, unwisely gambling on renewing his term in office, lost direct presidential elections in late September 2000 to democratic challenger Vojislav Kostunica. At first refusing to recognize his defeat, Milosevic eventually stepped down from power amidst massive demonstrations against his continued rule. The emergence of a new Yugoslav leader and government without Milosevic has added a new dimension to U.S. policy in the region, with possibly large implications for Kosovo.[47] Some Members of Congress have already warned that aid

[47]For more information, see *Serbia and Montenegro: Political Situation and U.S. Policy*, by Steve Woehrel. CRS Report RL30371. Updated August 22, 2000.

to Serbia should be conditioned on the willingness of Belgrade's new regime to surrender war criminals, including Slobodan Milosevic, to the Hague Tribunal.[48]

The U.S. commitment of military forces to Kosovo and Bosnia also emerged as a prominent campaign issue in the run-up to the 2000 presidential elections. In October, the Bush campaign indicated that it would establish as a goal the withdrawal of U.S. armed forces from the Balkans and hand over peacekeeping responsibilities to the Europeans. The Gore campaign criticized the proposal as risky and irresponsible, and said it would maintain the U.S. presence in these operations.

Kosovo and the surrounding region are likely to remain prominent foreign policy concerns to the United States in the coming years. The continued deployment of U.S. military forces in the region and the status of political and economic efforts to establish peace will continue to be subjects of interest to the next Administration and Congress. The emergence of a democratic regime in Serbia will present new policy challenges to the international community. The impact of the change in Serbian leadership on the Kosovo situation, however, remains unclear, as the positions of both the Albanian and Serbian parties on Kosovo's permanent status appear no closer than before.

Terms of the U.S. engagement of military and financial resources to Kosovo may be further questioned and debated in the 107th Congress. Members of Congress who objected to the initial deployment of U.S. troops to Kosovo may again express opposition to their continued deployment. They may be joined by those who supported U.S. participation at first, but now wish to see the United States articulate some exit strategy for U.S. troops, such as turning over the mission to the European allies. Some may see the fall of Milosevic in Serbia as a positive sign for the eventual withdrawal of U.S. armed forces from the region. Some Members, both supporters and opponents of the Kosovo mission, may try again to assert what they view to be Congress' authority and legislative prerogatives in matters relating to the use of U.S. armed forces abroad.

Finding consensus on Kosovo policy in Congress has proven difficult in the past and is likely to remain elusive. In part, this arises from the inherent complexity of the issues involved with Kosovo. For opponents to continued military deployment, Kosovo represents an ill-defined, potentially dangerous, and open-ended mission.[49] The Kosovo deployment incurs substantial annual incremental costs to the U.S. military and, opponents would argue, damages military readiness for deterring and fighting wars. Opponents would cite the disproportionate U.S. contribution to Operation *Allied Force* as a rationale for turning over the peacekeeping mission to the European allies (perhaps with the United States continuing to provide intelligence and logistics support). In contrast, supporters of continued deployment believe that the United States maintains a significant interest in peace and stability in Kosovo. They

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[48]"No Handouts Without a Handover," *New York Times* op-ed by Senators Mitch McConnell and Patrick Leahy, October 16, 2000.

[49]Reportedly, U.S. military officials have expressed frustration about the lack of a specified end-state for the mission. "In Kosovo, an Uncertain Mission," *Washington Post*, September 20, 2000.

may view Kosovo as a positive example of how the use of limited force, in concert with allies and regional partners, can contribute to building peace in a region vital to U.S. interests. They may argue that the United States should fulfill its commitments, especially since it is already providing a much smaller share of military and financial resources to Kosovo than the European allies. Finally, they may predict negative consequences to follow a unilateral U.S. withdrawal of troops from Kosovo. Still others may fall somewhere in-between – supportive of efforts to find an exit strategy for the U.S. military in Kosovo, but unwilling to try to impose such a strategy on the President or on NATO.

Another challenge to consensus-building are the means available to Congress to address Kosovo policy. Legislative proposals considered during the 106th Congress often used the blunt threat of withholding or cutting off funds to achieve various policy objectives. Many proposals included complex formulations that tied military funding to specific dates, presidential certifications, or other non-military criteria. Many Members of Congress have been wary of mandated troop withdrawals that they believe could adversely affect the U.S. military, and have been inclined to defer to presidential authority on such matters. Proposals requiring executive branch reports on the achievement of tangible "benchmarks" have elicited wider support.

How Kosovo plays in domestic politics may again prove to be an important factor. The state of executive-legislative relations after the 2000 elections may shape the congressional response on Kosovo. The new President's ability to exert leadership and communicate a convincing strategy on Kosovo may influence positions of the Congress. Party leadership may also play a key role, especially since positions on Kosovo in both chambers frequently cut through party lines in the past.

The congressional response will obviously also be tied to events as they unfold in Kosovo and in the region. For example, Kosovo's future permanent status has remained unresolved. The international community has sought thus far to devise autonomous political structures in Kosovo without redrawing international borders. Most countries, including the United States, do not officially support independence for Kosovo. The issue of whether independence is inevitable, what other options are available, and what consequences may arise from Kosovo's independence, is likely to come under closer scrutiny in the near future. Some observers contend that ongoing attacks by Albanians on the Serb population in Kosovo have further diminished international support for Kosovo's independence. Others argue that not moving forward on this issue will only provoke more violence. Prospects for peace in Kosovo will also remain closely tied to events in volatile Serbia. Many observers predict that the key for a successful exit for U.S. armed forces from Kosovo will depend on Serbia's successful transition to a peaceful, democratic country. Milosevic's fall from power in October and the emergence of a democratic regime in Belgrade may or may not facilitate a solution to the Kosovo problem. The democratic development of Serbia, and the appropriate U.S. response to this process, is likely to become a major foreign policy focus in the 107th Congress.

Appendix 1. 106th Congress, Major Legislation on Kosovo-Status[50]

Enacted Legislation

Bill Number/Title	Status
P.L. 106-31 (H.R. 1141), making emergency supplemental appropriations for FY1999 --Provided about $12 billion for Kosovo defense and humanitarian operations and other defense needs --Required report by President by 9/30/99 on efforts to seek equitable reimbursement for costs associated with Operation Allied Force (Sec. 2005a) --Required report by President 30 days after enactment on U.S. participation in Operation Allied Force (Sec. 2006a)	Signed by President, 5/21/99, P.L. 106-31 (113 STAT. 57)
Considered but Not Enacted:	
--Amendment to S. 544 by Senator Hutchison to bar funds for the deployment of U.S. ground forces in the Federal Republic of Yugoslavia (FRY), unless certain conditions were met; required President to submit report on benchmarks for the withdrawal of U.S. armed forces from Kosovo	Hutchison amendment withdrawn, 3/23/99 (Senate passed S. 544, 3/23/99)
--Amendment to H.R. 1664 by Rep. Istook to bar funds to implement any plan to invade the FRY with U.S. ground forces	Istook amendment failed House, 117-301, 5/6/99 (House passed H.R. 1664, 5/6/99; H.R. 1664 later incorporated into H.R. 1141)
P.L. 106-65 (S. 1059), authorizing defense appropriations for FY2000 --Required President to submit a supplemental appropriations request for costs of conducting combat or peacekeeping operations in the FRY in FY 2000 (Sec.1004) --Required Defense Secretary to submit report on the effect of continued operations in the Balkans on military readiness (Sec. 1035) --Required Defense Secretary to submit report by 1/31/00 on the conduct of Operation Allied Force (Sec.1211) --Sense of Congress on providing support and resources to the International Criminal Tribunal for the former Yugoslavia (Sec.1212) --Required report by President by 3/1/00 on prioritizing ongoing global missions involving US forces (Sec. 1235)	Signed by President, 10/5/99, P.L. 106-65 (113 STAT. 512)

[50]This appendix provides brief summaries and the status of legislation or sections of legislation specifically related to Kosovo; not all steps of the legislative process are included for each bill. First listed are enacted bills in chronological order, followed by bills receiving floor votes in either House or Senate, and then selection of introduced bills.

Bill Number/Title	**Status**
Considered but Not Enacted:	
Amendment to S. 1059 by Senator Specter to bar funds for deployment of U.S. ground troops in Kosovo, except for peacekeeping, unless authorized by declaration of war or a joint resolution authorizing use of military force	Specter amendment tabled, 52-48, 5/25/99
--Amendment to S. 1059 by Senator Smith to bar funds for military operations in the FRY unless authorized by Congress	Smith amendment tabled, 77-21, 5/26/99 (Senate passed S. 1059, 5/27/99)
--Amendment to H.R. 1401 by Rep. Skelton to delete language in House bill on prohibiting funds for combat or peacekeeping operations in the FRY after 9/30/99, and to retain language requiring President to request supplemental appropriations	Skelton amendment passed House, 270-155, 6/10/99
--Amendment to H.R. 1401 by Rep. Souder to prohibit DoD funds for military operations in the FRY	Souder amendment failed House, 97-328, 6/10/99 (House passed H.R. 1401, 6/10/99)
P.L. 106-79 (H.R. 2561, S. 1122), making DoD appropriations for FY 2000 --Required report by Secretary of Defense by 1/31/00 on the conduct of Operation Allied Force (Sec. 8125) --Barred funds from this or any other act for reconstruction activities in the Republic of Serbia (excluding Kosovo) as long as Slobodan Milosevic remained FRY President (Sec. 8142)	Signed by President, 10/25/99, P.L. 106-79 (113 STAT. 1212)
P.L. 106-113 (H.R. 3194), making consolidated appropriations for FY2000 [included H.R. 3422 - Foreign Operations Appropriations and H.R. 3427 - Foreign Relations Authorization] --Provided not less than $150 million for bilateral assistance to Kosovo; no funds to be available until Secretary of State certified that U.S. pledge at Kosovo donors conference did not exceed 15% of total resources pledged by all donors (appendix B/H.R. 3422, Title II) --Prohibited funds under this act to be available for Serbia, except for assistance for Kosovo or Montenegro or for assistance to promote democratization in Serbia (Sec. 537) --Prohibited assistance, except for humanitarian and democratization aid, to be provided for any country or entity providing sanctuary to criminals indicted by the war crimes Tribunal (Sec. 566) --Deemed the FRY to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7); not to apply to Montenegro and Kosovo (Sec. 591) --Continued “outer wall” of sanctions against the FRY during FY 2000 unless the President certified that a number of conditions were met (Sec. 599)	Signed by President, 11/29/99, P.L. 106-113 (113 STAT. 1501)

Bill Number/Title	Status
Considered but Not Enacted:	
S. 1234 (Senate bill for foreign operations appropriations) designated $20 million for training and equipping a Kosovo security force; $85 million for Albania; $60 million for Romania; $55 million for Macedonia; $45 million for Bulgaria; and $35 million for Montenegro	Provisions dropped in conference (Senate passed S. 1234, 6/30/99; incorporated into H.R. 2606 as an amendment; H.R. 2606 vetoed by President 10/18/99)
S. 1234 designated the FRY as a terrorist state and imposed sanctions (Sec. 525)	
S. 1234 authorized $100 million for assistance to promote democracy in the FRY (Sec. 586)	
S. 1234 called for convening of an international conference on the Balkans (Sec. 593)	
P.L. 106-246 (H.R. 4425), making appropriations for military construction, family housing, and base realignment and closure for DoD for FY2001 [included supplemental appropriations for FY2000] --Approved $2.025 billion, as requested, for U.S. military operations as part of KFOR in FY2000; legislation also provided $50 million in supplemental appropriations for economic aid to Croatia, Montenegro, and $12.4 million for Kosovo police activities	Signed by President, 7/13/00, P.L. 106-246 (114 STAT. 511)
Considered but Not Enacted:	
--Amendment to H.R. 3908 offered by Rep. Kasich to withhold half of military funds until President certified that burden-sharing requirements with European allies on aid and civil reconstruction efforts in Kosovo had been met	Kasich amendment failed House, 200-219, 3/29/00 (House passed H.R. 3908, 3/29/00 [Senate did not consider H.R. 3908, but attached portions of it to regular FY 2001appropriations bills])
--Amendment to S. 2521 by Senator Levin to strike Section 2410 (Byrd-Warner amendment) requiring withdrawal of U.S. troops by July 2001 unless Congress authorized such deployment, with a 180-day waiver provision; also limited obligation of funds until President certified that burden-sharing requirements with European allies on aid and civil reconstruction efforts in Kosovo had been met	Levin amendment passed Senate, 53-47, 5/18/00 (Senate Appropriations Committee passed Byrd-Warner amendment, 23-3, 5/9/00) (Senate passed S. 2521, 5/18/00)
P.L. 106-259 (H.R. 4576), making DoD appropriations for FY2001 --Appropriated over $4 billion for ongoing military contingency operations in Kosovo (about $2 billion), Bosnia, and the Persian Gulf --Barred funds from this or any other Act for reconstruction activities in Serbia (excluding Kosovo) as long as Slobodan Milosevic remains FRY president (Sec. 8106)	Signed by President, 8/9/00, P.L. 106-259 (114 STAT. 656)

Bill Number/Title	Status
P.L. 106-398 (H.R. 4205), authorizing defense appropriations for FY 2001 --Limited funds for Bosnia and Kosovo peacekeeping to $1.4 billion and $1.65 billion, respectively, for FY2001. President could waive limitation with written certification (Sec. 1005) --Required annual report by Defense Secretary on effect of continued operations in the Balkans on military readiness (Sec. 1211) --Required President to establish benchmarks for conditions in Kosovo that would allow for the withdrawal of U.S. armed forces from Kosovo, develop a comprehensive political-military strategy for the Balkan region, and submit semi-annual progress reports (Sec. 1212) --Required President to submit semi-annual reports on the contributions of European nations to Kosovo peacekeeping, with the first report to be submitted by 12/1/00 (Sec. 1213)	Signed by President, 10/30/00, P.L. 106-398 (114 STAT 1654)
Considered but Not Enacted:	
--Amendment to H.R. 4205 by Rep. Kasich to require the withdrawal of U.S. armed forces from Kosovo unless the President certified by 4/1/01 that burden-sharing goals had been met; limited waiver provision included (Sec. 1205)	Kasich amendment passed House, 264-153, 5/17/00; dropped in conference (House passed H.R. 4205, 5/18/00)
P.L. 106-429 (H.R. 4811), making appropriations for foreign operations, export financing, and related programs for FY2001 --Set limit of U.S. aid to Kosovo to 15% of total funds pledged by donors, as of 3/31/01, for calendar year 2001 --Prohibited assistance, except for humanitarian and democracy aid, to countries providing sanctuary to indicted war criminals (Sec. 564) --Provided $100 million for assistance to Serbia; President to certify by 3/31/01that the FRY is meeting certain requirements (Sec. 594)	Signed by President, 11/6/00, P.L. 106-429 (114 STAT 1900)
Considered but Not Enacted:	
--S. 2522 (Senate bill) barred funds for Kosovo until certification by Secretary of State that amount not exceed 15% of total; 50% of funds for Kosovo to go to non-governmental organization	Provisions dropped in conference (Senate passed S. 2522, 6/21/00; House passed H.R. 4811, 7/13/00)
--S. 2522 restricted assistance to Serbia (Sec. 537)	
--S. 2522 designated the FRY to be state sponsor of terrorism (Sec. 582)	
--S. 2522 continued application of certain sanctions against Serbia (Sec. 584)	

Bill Number/Title	Status
--S. 2522 imposed sanctions against Russia for providing Serbia with loans, economic assistance, and oil (Sec. 599D)	
--H.R. 4811 (House bill) limited funding for Kosovo to $150 million	

Other Legislation Considered But Not Enacted

Bill Number/Title	Status
H.R. 1569, prohibiting use of DoD funds for deployment of U.S. ground troops in the FRY unless such deployment was specifically authorized by law	House passed, 249-180, 4/28/99
S. 720/H.R. 1064 ("Serbia Democratization Act"); similar bills authorizing an assistance program (over $100 million) to promote democracy and civil society in Serbia and Montenegro while codifying certain sanctions against the FRY until the President certified that several conditions were met	Senate passed S. 720, 11/4/99; House passed H.R. 1064, 9/25/00
H.J.Res. 44, declaring a state of war between the United States and the FRY, pursuant to section 5(b) of the War Powers Resolution	Failed passage in House, 2-427, 4/28/99
S.J.Res. 20, authorizing the President to use all necessary force and other means, in concert with our allies, to accomplish U.S. and NATO objectives in the FRY	Tabled in Senate, 78-22, 5/4/99
H.Con.Res. 42, regarding the use of U.S. Armed Forces as part of a NATO peacekeeping operation in Kosovo --Authorized president to deploy U.S. Armed Forces to Kosovo as part of a NATO peacekeeping operation --Authorization subject to limitation that the number of U.S. Armed Forces not exceed 15% of the total NATO force	House passed, 219 to 191, 3/11/99
H.Con.Res. 82, directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove U.S. Armed Forces from their positions in operations against the FRY within 30 days	Failed passage in House, 139-290, 4/28/99
S.Con.Res. 21, authorizing the President to conduct military air operations and missile strikes in cooperation with NATO allies against the FRY	Senate passed, 58-41, 3/23/99 Failed passage in House, 213-213, 4/28/99
S.Con.Res. 40, commending the President and the armed forces for the success of Operation Allied Force	Senate passed, u.c., 6/17/99
H.Res.130, expressing the support of the House of Representatives for the members of the U.S. Armed Forces who were engaged in military operations against the FRY	House passed, 424-1, 3/24/99
H.Res.451, calling for lasting peace, justice, and stability in Kosovo	House passed, voice vote, 10/10/00
S.Res.74, expressing the support of the Senate for the members of the U.S. Armed Forces who were engaged in military operations against the FRY	Senate passed, voice vote, 3/24/99

Other Legislation Introduced But Not Considered

Bill Number/Title	Status
H.R. 4053 ("The United States-Southeastern Europe Democratization and Burden-Sharing Act of 2000"), to authorize assistance for democratization in Serbia and Montenegro, and to require equitable burden-sharing in multilateral assistance programs for southeastern Europe, limiting total amount of bilateral U.S. assistance to 15% or less of total amount of multilateral assistance provided to southeastern Europe	Introduced in House and referred to Committee on International Relations, 3/22/00
S. 2680 ("Balkans Peace and Prosperity Act of 2000"), to authorize necessary sums for a Balkan Stabilization Conference, to be convened by the U.S. to consider all outstanding issues related to Bosnia and Serbia	Introduced in Senate and referred to Committee on Foreign Relations, 6/6/00
H.Con.Res. 99, expressing Sense of the Congress on support for the Balkans peace initiative launched by the U.S. Congress and Russian Duma on April 30-May 1, 1999; the initiative recommended termination of the NATO air strikes, withdrawal of FRY forces from Kosovo, and cessation of military activities by the Kosovo Liberation Army	Introduced in House and referred to Committee on International Relations, 5/5/99; HIRC held hearings, 5/13/99
S. 846, H.R. 1408 ("The Kosova Self-Defense Act"), authorizing $25 million for training and support to the interim government of Kosova to defend and protect the Kosova population against armed aggression	Introduced in House and referred to Committee on International Relations, 4/14/99; introduced in Senate and referred to Committee on Foreign Relations, 4/21/99

Appendix 2. 106th Congress, Major Legislation on Kosovo – Summaries by Theme

Below is a selection of legislation and legislative proposals from the 106th Congress organized by theme (listed in chronological order under each heading).

Congressional Authorization and War Powers

- H.Con.Res. 42. This concurrent resolution authorized the President to deploy U.S. armed forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement. The resolution set forth several reporting requirements.
  [Status: passed House, 219-191, on March 11, 1999.]

- S.Con.Res. 21. This concurrent resolution authorized the President to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (FRY, Serbia-Montenegro).
  [Status: passed Senate, 58-41, on March 23, 1999. Resolution failed passage in the House on April 28, 1999, by a vote of 213 to 213.]

- S. 544 (FY 1999 Emergency Supplemental Appropriations). Senator Lott submitted an amendment (to an amendment by Senator Hutchison) that barred DoD funds to be used for the purpose of conducting military operations in the FRY unless Congress first enacted a law containing specific authorization for such operations. The Lott amendment included the finding that U.S. national security interests in Kosovo did not rise to a level that warranted U.S. military operations.
  [Status: Introduced as an amendment to Hutchison's amendment on March 19, 1999. On March 23, Senate voted, 55-44, not to invoke cloture on the Lott amendment. Hutchison's amendment, including Lott's amending amendment, was withdrawn on March 23, 1999.]

- H.R. 1569, "Military Operations in the FRY Limitation Act." This act prohibited use of Department of Defense funds for the deployment of U.S. ground forces to the FRY without specific authorization by law.
  [Status: House passed, 249-180, on April 28, 1999.]

- H.Con.Res. 82. This concurrent resolution directed the President, pursuant to section 5(c) of the War Powers Resolution, to remove U.S. Armed Forces from their positions in operations against the FRY within 30 days.
  [Status: House rejected, 139-290, on April 28, 1999.]

- H.J.Res. 44. This joint resolution declared a state of war existed between the United States and the FRY, pursuant to section 5(b) of the War Powers Resolution and article 1, section 8 of the United States Constitution.
  [Status: House rejected, 2-427, on April 28, 1999.]

- S.J.Res. 20. This joint resolution authorized the President to use all necessary force and other means, in concert with our allies, to accomplish U.S. and NATO objectives in the FRY.
  [Status: Senate voted, 78-22, to table resolution on May 4, 1999.]

- H.R. 1664 (FY 1999 Supplemental Appropriations). An amendment by Rep. Istook barred DoD funds for the implementation of any plan to invade the FRY with U.S. ground forces, except in time of war.
  [Status: House rejected Istook amendment, 117-301, on May 6, 1999.]

- S. 1059 (FY 2000 Department of Defense Authorization). A modified amendment by Senator Specter barred DoD funds for deployment of U.S. ground forces in Kosovo, except for peacekeeping personnel, unless authorized by declaration of war or a joint resolution authorizing the use of military force.
  [Status: Senate tabled amendment, 52-48, on May 25, 1999.]

- S. 2521 (FY 2001 Appropriations for Military Construction). Among several provisions regarding U.S. ground forces in Kosovo, Section 2410 of the Senate bill withheld funds for the continued deployment of U.S. armed forces in Kosovo after July 1, 2001, unless and until the President requested congressional authorization for the continued deployment and Congress enacted a joint resolution giving such specific authorization. The section provided for a 90-day waiver that could be exercised twice.
  [Status: The so-called Byrd-Warner provision removed by an amendment by Senator Levin. Levin amendment passed the Senate, 53-47, on May 18, 2000.]

Exit Strategy for U.S. Armed Forces

- S. 544 (FY 1999 Emergency Supplemental Appropriations). An amendment introduced by Senator Hutchison included a requirement for the President to submit a report every 60 days on the benchmarks established to measure progress and determine the withdrawal of U.S. armed forces from the foreseen Kosovo peacekeeping operation. Each report was to detail progress on achieving the benchmarks and include an estimated timetable for successful achievement of the benchmarks.
  [Status: Hutchison amendment withdrawn from S. 544 on March 23, 1999.]

- H.R. 1408, S. 846, "Kosovo Self-Defense Act." Rep. Engel in the House and Senator McConnell and Senator Lieberman in the Senate introduced these bills to provide funding for a security assistance training and support program for the self-defense of Kosovo. Stating that "it shall be the policy of the United States to provide the interim government of Kosova with the capability to defend and protect the civilian population of Koosova against armed aggression," the bill provided $25 million for a training and support program. Sponsors of the bill suggested that this program would provide an "exit strategy" for U.S. armed forces by enabling the Kosovars to defend themselves.
  [Status: H.R. 1408 introduced and referred to Committee on International Relations, April 14, 1999. S. 846 introduced and referred to Committee on Foreign Relations, April 21, 1999.]

- P.L. 106-398 (H.R. 4205, FY 2001 Defense Authorization Act). Section 1212 of the Act required the President to develop, by May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. The President would also develop a comprehensive political-military strategy for addressing U.S. objectives in the Balkan region. The President was to report on progress in reaching the benchmarks not later than June 1, 2001, and every six months thereafter.
  [Status: became law, October 30, 2000]

Burden-sharing

- P.L. 106-31 (FY 1999 Emergency Supplemental Appropriations Act). In an effort to increase burden-sharing, Section 2005a of the Act required the President to seek equitable reimbursement from NATO for the costs incurred in connection with Operation Allied Force. The President was to submit a report to Congress by September 30, 1999, on these efforts.
  [Status: became law, May 21, 1999.]

- H.Res. 268, "Kosovo Burden-sharing Resolution." This resolution sponsored by Rep. Bereuter, expressed the sense that the United States should not pay more than 18 percent of the aggregate total costs associated with the military air operation, reconstruction in Kosovo, and, when conditions permit, in other parts of the Federal Republic of Yugoslavia, the Kosovo peacekeeping force, and programs of the United Nations and other international organizations in Kosovo
  [Status: introduced and referred to Committee on International Relations, July 30, 1999.]

- P.L. 106-113 (FY 2000 Consolidated Appropriations Act). Assistance for Kosovo was conditioned upon the Secretary of State certifying that the resources pledged by the United States at the Kosovo donors conference not exceed 15 percent of the total resources pledged by all donors.
  [Status: became law, November 29, 1999.]

- H.R. 4053, "The United States-Southeastern Europe Democratization and Burden-Sharing Act." This bill, sponsored by Rep. Gilman, authorized assistance for democratization in Serbia and Montenegro and required equitable burden-sharing in multilateral assistance programs for the countries of southeastern Europe. The bill limited the total amount of bilateral U.S. assistance to the region to an amount not to exceed 15% of the total amount of multilateral assistance provided to southeastern European countries.
  [Status: introduced and referred to Committee on International Relations, March 22, 2000.]

- H.R. 3908 (FY 2000 Emergency Supplemental Appropriations Act). Amendment sponsored by Rep. Kasich withheld 50% of funds until the President certified that the European Union and NATO allies had obligated: 33% of amounts pledged for Kosovo reconstruction; 75% of amounts pledged for humanitarian assistance in Kosovo; 75% of amounts pledged for the Kosovo consolidated budget; and had deployed 75% of the number of police to the U.N.

police force in Kosovo. If the President did not provide certification by June 1, 2000, then the remaining 50% of funds could only be used for conducting a phased withdrawal of U.S. armed forces from Kosovo.
[Status: House rejected amendment, 200-219, March 29, 2000.]

- H.R. 4205 (FY 2001 Defense Authorization Act). An amendment sponsored by Rep. Kasich barred funds for the continued deployment of U.S. armed forces in Kosovo after April 1, 2001, unless the President certified to Congress that a number of burden-sharing goals had been met. For these goals to be met, the European allies must have obligated 50% of their pledges for the reconstruction of Kosovo, 85% of funds committed for humanitarian assistance, 85% for the Kosovo consolidated budget, and 90% of the amount of police forces to the U.N. police force in Kosovo.
[Status: Kasich amendment passed House, 264-153, on May 17, 2000. Provision was dropped in conference.]

- S. 2521 (FY 2001 Appropriations for Military Construction). Among several provisions regarding U.S. ground forces in Kosovo, Section 2410 of the Senate bill said that not more than 75% of FY 2000 may be obligated until the President certified that the EU and NATO allies has obligated 33% of amounts pledged for Kosovo reconstruction; 75% of amounts pledged for humanitarian assistance in Kosovo; 75% of amounts pledged for the Kosovo consolidated budget; and had deployed 75% of the number of police to the U.N. police force in Kosovo. *[Status: The so-called Byrd-Warner provision removed by amendment by Senator Levin. Levin amendment passed the Senate, 53-47, on May 18, 2000.]*

- P.L. 106-398, (H.R. 4205, FY 2001 Defense Authorization Act). Section 1213 of the conference report required the President to submit a semi-annual report on the contributions of European nations and organizations to the peacekeeping and civil operations in Kosovo.
[Status: became law, October 30, 2000]

- P.L. 106-429, (H.R. 4811, FY 2001 Appropriations for Foreign Operations). Set limit of U.S. assistance to Kosovo to 15% of total donors funds pledged for calendar year 2001.
[Status: became law, November 6, 2000]

Sanctions

- P.L. 106-79 (FY 2000 Department of Defense Appropriations Act). Section 8142 of the Act barred funds from this or any other Act for reconstruction activities in Serbia (excluding Kosovo) as long as Slobodan Milosevic remained President of the Federal Republic of Yugoslavia.
[Status: became law, October 25, 1999.]

- S. 720/H.R.1064, "Serbia Democratization Act." In addition to authorizing an assistance program for the development of democratic and civil society in Yugoslavia, these similar bills sponsored by Senator Helms in the Senate and Rep. Smith in the House enumerated several sanctions already in effect against Belgrade and conditioned the lifting of sanctions on several criteria.

[Status: Senate passed S. 720, November 4, 1999. House passed H.R. 1064, September 25, 2000.]

- S. 2382, "Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000." This bill authorized a range of foreign aid activities. Title V of the bill incorporated the Serbia Democratization Act, above.
  [Status: Reported by the Committee on Foreign Relations, April 7, 2000.]

- P.L. 106-113 (FY 2000 Consolidated Appropriations Act). Section 537 of the Act prohibited funds to be made available for Serbia, except for assistance to Kosovo or Montenegro or for promoting democracy in Serbia. Section 566 prohibited assistance, except for humanitarian and democratization aid, to be provided for any country or entity failing to apprehend war criminals to the war crimes Tribunal. Section 599 continued the "outer wall" of sanctions against the FRY during FY 2000 unless the President certified that a number of conditions were met.
  [Status: became law, November 29, 1999]

- P.L. 106-429 (FY 2001 Appropriations for Foreign Operations Act). Section 564 of the Act restricted assistance to countries providing sanctuary to indicted war criminals. Other sanctions against Serbia in House and Senate bills were dropped in conference, in favor of $100 million in assistance to Serbia (sec. 594) provided that President determined that Serbia had met a number of conditions.
  [Status: became law, November 6, 2000]

Alternative Policy

- *Regarding the right of self-determination*: H. Con. Res. 9 and H. Con. Res. 32 expressed the sense that the United States should support the right of self-determination of the Albanians of Kosovo. Both were referred to the Committee on International Relations.

- H.Con.Res. 99. This concurrent resolution, sponsored by Rep. Weldon, expressed support for the recommendations of the United States Congress-Russian Duma meeting in Vienna, Austria, held April 30, to May 1, 1999, on the situation in Kosovo. Among other things, the conference called for the end of NATO bombing against the FRY, the withdrawal of Serbian forces from Kosovo, and the cessation of military activities of the Kosovo Liberation Army (KLA).
  [Introduced and referred to Committee on International Relations, May 5, 1999; Committee held hearings, May 13, 1999.]

- S. 720/H.R. 1064, "Serbia Democratization Act." These similar bills, sponsored by Senator Helms in the Senate and Rep. Smith in the House, authorized an assistance program of over $100 million to promote democracy and civil society in Serbia and Montenegro and to assist the victims of Serbian oppression. The bills applied certain measures against the FRY.
  [Status: Senate passed S. 720, November 4, 1999. House passed H.R. 1064, September 25, 2000.]

- S. 2680, "Balkans Peace and Prosperity Act." Senator Hutchison introduced this bill to authorize funds for the convening of a Balkans Stabilization Conference. The purpose of the conference was to consider all outstanding issues related to the execution of the Dayton Accords and the peace agreement with Serbia that ended Operation Allied Force.
  [Status: introduced and referred to Committee on Foreign Relations, June 6, 2000.]