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## REINING IN AN IRRESPONSIBLE KOSOVO POLICY

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Balancing the need for presidential flexibility in foreign affairs and Congress's constitutional power of the purse, a recent vote on an amendment to S. 2521, the military construction appropriations bill for fiscal year 2001, clearly signals an end to the open-ended peacekeeping operation in Kosovo. Approved by a vote of 23–3 by the Senate Appropriations Committee, the amendment, introduced by Senators Robert Byrd (D–WV) and John Warner (R–VA), would end all funding for the deployment of U.S. troops to Kosovo after July 1, 2001, and require a more equitable European commitment to the operation.

The Byrd–Warner amendment specifically denies funding for U.S. ground combat troops in Kosovo after that date unless President Bill Clinton or his successor provides Congress with a detailed request, which would then be subject to congressional debate and approval. The President could temporarily extend the U.S. presence for up to 90 days (but not more than twice) if U.S. forces were engaged in combat or if the North Atlantic Treaty Organization (NATO) had requested an extension through the Supreme Allied Commander, Europe. Further, the amendment requires the President to submit a plan to Congress detailing the means by which U.S. ground forces would be replaced by allied forces.

The amendment allows for the deployment of U.S. non-combat forces in support of the NATO mission. It also obliges the President to submit detailed monthly and quarterly reports describing American financial and manpower contributions in

Kosovo and whether or not the Europeans are meeting their promised commitments. In addition, 25 percent of the \$1.8 billion allocated for Kosovo this year would be held in reserve pending presidential certification that America's NATO partners in Kosovo have met stringent contribution goals set by Congress: that the allies are paying 33 percent of reconstruction assistance, 75 percent of humanitarian assistance, 75 percent of general administrative costs, and 75 percent of the civilian police force. If the President fails to submit such certification by July 15, 2000, funds could only be used to withdraw U.S. personnel from Kosovo, unless Congress were to authorize their presence otherwise in a joint resolution.

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The deadlines and restrictions that the Byrd–Warner amendment imposes on U.S. deployments to Kosovo illustrate Congress's frustration with the open-ended nature of the Clinton Administration's commitment to Kosovo and the failure of the President to consult with Congress prior to deployment. By requiring the President to request an extension of the existing Kosovo deployment and make periodic reports to Congress on the status of the operation, the amendment will obligate the President to

abide by the Constitution's directives on the separation of powers. This is important, since the senior U.S. officer in the NATO-led KFOR, Brigadier General Ricardo Sanchez, recently predicted that the Administration's commitments would keep NATO peacekeepers bogged down in the Balkans for "at least a generation."

By requiring the NATO alliance to make a transition in the Kosovo peacekeeping operation to European troops and forcing the President to submit extensive reports to Congress, the Senate Appropriations Committee has demonstrated deep concerns over the burden-sharing imbalance that forced the United States to bear the brunt of the air war over Kosovo. These dramatic measures should convince the allies and the Administration to address the burden-sharing issues. Considering the constantly diminishing commitment to defense spending prevalent in the capitals of Europe, this concern is well justified.

By promising America's allies continued lift, logistics, and intelligence support, the amendment allows a level of U.S. commitment in the peacekeeping operation that is consistent with America's security interests. This would be in line with the new Combined Joint Task Force (CJTF) mechanism adopted by NATO during the Washington summit last fall, largely at the request of the European nations. The CJTF allows NATO members to utilize non-combat NATO resources in support of an operation that is conducted by a coalition of willing nations without requiring all alliance members to participate in it. By transforming Kosovo into a European CJTF, the United States could contribute the proper kind of assets to an operation in which its allies may have significant interest but it does not.

The CJTF mechanism also adds flexibility to NATO decision-making—a flexibility necessary if NATO is to meet the varied threats of the post-Cold War era. Using the CJTF mechanism will not weaken NATO or U.S. relations with Europe (a fact more thoroughly explained in Heritage Foundation

*Backgrounder* No. 1349, "Kosovo: The Way out of the Quagmire").

The provisions of the Byrd-Warner amendment will make lasting contributions to U.S. foreign policy. First, the amendment reaffirms the importance of congressional oversight of American foreign policy. Second, it makes clear to the Administration and European allies that America will not continue to bear a disproportionate share of the burden of NATO's operations, particularly when U.S. interests are not vital, as in Kosovo. Third, in providing a year-long transitional period during which U.S. allies could adjust their policies accordingly, the amendment will result in U.S. allies bearing their fair share of the burden in Kosovo and NATO in a cooperative manner.

The Byrd-Warner amendment promotes a balanced foreign policy that is determined by U.S. national interests and bound only by the separation of powers in the Constitution. Members of Congress should follow the Senate Appropriations Committee lead and consider similar measures in the Department of Defense Operations and Maintenance budget to end the presence of U.S. troops in Bosnia, another quagmire in which they are forced to stand between combatants, with little hope of altering the ethnic hatreds that ignited the conflict in the first place.

Finally, the Byrd-Warner amendment will provide the next President with flexibility—after assessing U.S. interests in Kosovo—either to turn the operation over to the Europeans or to convince Congress and the American people that the United States needs to remain involved. At its core, this amendment concerns the very nature of this constitutional democracy and the need to restore national interest as a central principle of U.S. foreign policy decisionmaking.

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