

must witness for themselves that justice will be done in Bosnia. Justice is the only comfort we can provide to mothers and fathers who have lost their children to war crimes. This will not be a just peace if war criminals remain at large and unaccountable for their heinous crimes.

Furthermore, Mr. President, any peace will be short-lived if it does not provide the Bosnians with the authority and the means to defend their territory and their people. Absent a stable military balance, those who have clearly been the aggressors in this conflict will seek to press their advantage again. Whatever agreement is initialed in Dayton, it must provide for lifting the arms embargo and for addressing the existing military imbalance. If it does not, it will serve no greater purpose than to delay an inevitable return to hostilities. It will simply be another invitation to future aggression.

Placing these important matters aside, foremost on the minds of the American people is whether or not young Americans should be ordered to enforce a peace agreement in Bosnia.

Mr. President, in my view, the deployment of American forces into harms' way requires very careful deliberation on the part of the administration and the Congress. The President has informed me that he will come to Congress for support. That is the right thing to do. It would be unwise to send American forces without the support of the Congress and the American people. Right now, I do not believe that the President has it.

He certainly will not have it, if a peace agreement does not include the provisions I have mentioned. But, he is also unlikely to receive our support if the implementation plan for our military forces does not, at the very least, include the following essential provisions:

First, well-defined and clearly stated mission objectives achievable through military means;

Second, robust rules of engagement allowing for disproportionate responses, as appropriate, to any attacks on United States and NATO forces and no restrictions or impediments on the ability of United States and NATO military forces to defend themselves;

Third, United States military forces will operate only under a unified NATO command whose orders and authority cannot be constrained, conditioned, blocked or vetoed by any other party including the United Nations;

Fourth, United States military forces shall use the authority granted in any annexes to the maximum extent consistent with their resources and shall act to deter, defeat or punish any violations from whatever source;

Fifth, clear criteria for measuring progress toward achieving the objectives of the operation, a detailed exit strategy, and adequate resources for achieving these objectives and effecting a safe exit for all United States forces from Bosnia;

Sixth, procedures for integrating appropriate UNPROFOR forces currently in Bosnia into a NATO-led implementation force and procedures for withdrawing any other UNPROFOR forces from Bosnia; and

Seventh, specific provisions to prevent conflict between United States and non-NATO Forces and members of the civilian population of Bosnia.

Mr. President, I believe that these criteria are very simple and very basic. I am not certain that Congress will go along with sending American Forces even if these provisions are included in a peace agreement and implementation plan. However, I am certain that without these elements, not only will Congress overwhelmingly disapprove of the peace agreement and the plan to send American Forces as peacekeepers, but that neither of these plans will have a chance of succeeding.

The administration says that NATO will collapse if the United States does not send Americans into Bosnia as peacekeepers, but what happens to NATO if Americans are used to keep a peace which cannot be kept? What happens if we send Americans without adequate authority and provision to protect themselves? NATO should remain strong and united, however, unity in failure is the worst possible outcome. How much worse off would NATO be if United States and other NATO Forces were deployed in Bosnia only to leave in failure?

Which brings me to my final question: Why this option? Why is sending 20,000 American troops to Bosnia the only option being considered by the Clinton administration? Why was no consideration given to using American air power and American supply lines for ground forces provided by our European allies?

Mr. President, many questions remain. The President has not yet made the case for American involvement in Bosnia on this massive scale. The Congress has clearly stated its view that the President should seek authorization for any deployment to Bosnia. The Congress has also clearly stated its preference for lifting the arms embargo on Bosnia so that Bosnians may defend themselves. And we have done this time after time after time on a bipartisan basis. Many of us who supported lifting the embargo, did so not just because of our support for Bosnia's inherent right to self-defense, because we hoped we could avoid sending thousands of Americans into Bosnia to defend Bosnians. But, the President chose not to do that—and now we are where we are.

Mr. President, we fully understand the constitutional authority of the President of the United States. We also understand the constitutional responsibility of the Congress. There is no greater responsibility for an elected representative than to prevent the needless shedding of American blood. We intend to exercise that responsibility with the utmost care.

Mr. President, I want to particularly thank the Presiding Officer for his efforts not only in helping me prepare this statement, but for his consistent support for the position that I have outlined here and for his leadership on the Senate floor and in the Senate negotiations on both sides of the aisle.

I appreciate very much his help.

Mr. WARNER. Mr. President, before the distinguished leader departs here momentarily, I would like to join in acknowledging the Presiding Officer's very active participation in this and a broad range of matters relating to the military. He served on the Armed Services Committee with great distinction.

THE APPROPRIATIONS BILLS

Mr. WARNER. Mr. President, I would like to bring up the subject of the appropriations bill. I addressed the distinguished majority leader earlier today. We had indications that the President might sign two of the three pending appropriations bills.

But at this hour there seems to be still some doubt as to whether or not he will sign the Defense appropriations bill which, as the majority leader recalls, the distinguished Senator from Alaska and the Senator from Hawaii, being chairman and ranking members of that committee, put through with a very strong vote.

It would seem to me inconsistent. It seems to me if the President were thinking about a further commitment, a commitment for which I still have serious reservation, of ground troops into that theater that you would need to have as a foundation the signing of the Defense appropriations bill.

There are \$647 million in that bill for the specific purpose of contingency operations—not included in Bosnia but other operations, and should you put a further financial burden on the defense budget without the allocation of those funds for the ongoing, it seems to me to be just an inconsistent operation. I hope that this message would go to the White House at this moment.

Mr. DOLE. I appreciate the Senator's interest in the defense appropriations bill.

It has also been expressed by the chairman of the subcommittee, Senator STEVENS, I think in a conversation earlier today with Senator WARNER, a telephone conversation. I understand the President was going to sign legislative appropriations and Treasury, Postal appropriations about 5 o'clock today. I hope he has done that. That would mean, if we do not come together on a continuing resolution, which I think we will, that those people could be back at work.

But I would underscore what the Senator from Virginia has stated. If the President is thinking about it—and I know he is thinking about it—any deployment in Bosnia, it seems to me he would be in a much stronger position—I leave that judgment to him because I have not made a judgment yet on that

issue—if he signed the Defense appropriations bill and did it very quickly and sent the appropriate signal that he was not going to weaken our defense in any way.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Arizona.

Mr. MCCAIN. Before the majority leader leaves the floor—and I know he is involved in very delicate negotiations in trying to get our Government running again—I express my appreciation for again what is clearly a balanced statement. It is one that clearly recognizes the constitutional authority of the President of the United States. But the majority leader's statement also clearly recognizes the constitutional responsibility of the Congress of the United States, and there is nothing in the majority leader's statement nor anything that has been done in this body that would be in abrogation of that constitutional authority the President has. But at the same time, as the majority leader said, we have no greater responsibility than to ensure that if our young men and women are sent into harm's way, we have exercised our responsibility in our role as those who provide the funding and the approval or disapproval.

I think also Senator DOLE's statement clearly sends a signal to the President of the United States that he can send troops, and he does have that constitutional authority, but without the approval of the Congress and the American people that exercise is doomed to failure. When we express our concern about the fragility or the permanence of NATO, nothing could be more damaging to NATO and the Atlantic Alliance than the dispatch of troops and some casualties taken by Americans because it was a peace agreement that did not meet the criteria just laid out in the majority leader's statement, and therefore the American people demand, as they did in Somalia and as they did in Beirut—only this time that crisis would be magnified by a thousandfold—that our American troops be withdrawn because it was a peace that could not be kept. Then I would suggest to our supporters of NATO—and the majority leader and I are members of that group—there is no greater damage that could be done to the Atlantic Alliance than that scenario. So before we send troops, I would hope there would be debate on this floor, debate and discussion, as there was concerning the Persian Gulf.

Again, I recognize how great are the responsibilities the majority leader has at this moment. They are intense and severe. But I think it is very important, since we may be going out of session for this week, that the majority leader make this statement. He reflects the views of the overwhelming majority, I believe, of Members of both sides of the aisle. This statement may be lost in the short term, but we will be balancing what agreement is made, if an agreement is made, with the majority leader's statement, the criteria

and the provisions which were laid out which I think are not only unreasonable but a bare minimum as the criteria for any agreement and any possibility it may have of being permanent.

Again, I do not know exactly how to express the appreciation of lots of people for the role that the majority leader has played in this crisis, especially in his effort to lift the arms embargo. I do not believe we would have lost the tens of thousands of innocent lives if the arms embargo had been lifted at the time the majority leader first tried to achieve that goal, but now we are where we are. Now we are playing the hand we are dealt. I believe that if in the formulation of a peace agreement the criteria and provisions that the majority leader outlined are adhered to, we may have an opportunity to receive the approval of the Congress and the American people and prevent what could possibly be a very serious confrontation between the two branches of Government.

I yield the floor.

Mr. DOLE. Mr. President, again let me thank the Senator from Arizona for his constant assistance and leadership on this issue. I think he is correct. I think we speak for Senator LIEBERMAN and countless Senators on the other side of the aisle. If they were here at this point, they would be speaking out. So this is not a partisan issue. It never has been a partisan issue. It is about what steps should be taken before we decide to commit American forces anywhere under any condition. There are many concerned parents and grandparents around the country as well as young men and women themselves. I think we owe it to them and to their families and anybody in the future to make sure that certain criteria have been met. In my view, these are reasonable. I hope the President will find the criteria outlined in the statement to be reasonable. We will be furnishing a copy to Mr. Lake, the President's security adviser, within the next few moments.

(Mr. MCCAIN assumed the chair.)

Mr. DOLE. We are still working on the agreement. We are very hopeful. So I think unless there is somebody wishing to speak, I would ask we stand—does the Senator from Virginia wish to be recognized?

Mr. WARNER. Yes.

Mr. DOLE. Then would the Senator then go into recess subject to call.

SIGNING OF APPROPRIATIONS BILLS

Mr. DOLE. Mr. President, I indicated earlier the President was about to sign legislative and Treasury. I am now informed he has signed the legislative appropriations bill and the Treasury, post office appropriations bill. So that brings it to a total of six that have been signed, two or three that are still in conference, and one still has not passed the Senate because of objections on the other side, the Labor-HHS bill.

Mr. WARNER. Mr. President, I assume, I say to the distinguished majority leader, if the message has come down those two bills have been signed, that still casts doubt as to the Defense appropriations bill, and both the majority leader and the distinguished Presiding Officer and the Senator from Virginia send this urgent message to the President to sign that key piece of legislation.

UNITED STATES TROOPS IN BOSNIA

Mr. WARNER. Mr. President, I just wish to supplement my remarks by once again commending the Presiding Officer and, indeed, the distinguished majority leader for their leadership on this issue throughout. But I do recall so vividly at the time that President Bush was dispatching our troops into the gulf region he specifically came to Congress. I recall the debate, a very thorough and careful debate went on for 2 days in the Senate, and the final vote was but five votes apart; by a bare margin of five votes the Senate gave its approval, I would say—under the Constitution, of course, the President has the right, but the Senate gave its approval of the President exercising his constitutional right to use the troops that were then already deployed in the gulf region in a role which could involve the use of force of arms.

That same type of resolution—very simple, very straightforward—should be employed in this case if it is the desire of the President to go forward. I am hopeful, as the distinguished majority leader said, that there could be other options. People should recognize that the United States is heavily involved in the air missions.

The PRESIDING OFFICER has given detailed accounts many times on the floor of the Senate of the involvement of the men and women of our air arm and the risks that they have taken. Likewise at sea, the United States is providing the principal naval units for the purpose of the enforcement of certain embargoes that are now in place. And likewise, we have on duty in the Adriatic often a carrier and often other ships supporting the helicopters that are needed for backup for rescue operations, should that be necessary. We saw that, of course, at the time the distinguished Air Force officer was shot down and then eventually rescued.

So, Mr. President, the United States is very heavily engaged at this time. Also, the American taxpayers have footed a bill that exceeds \$1 billion, as we would want to do for humanitarian and medical and other types of humanitarian assistance to people of that war-torn region.

So, I hope tonight we urge upon the President to reflect very carefully before he makes a final decision, and that he regards it essential to come to the Congress, as did President Bush. And, lastly, once again, I am hopeful that he will sign the Defense appropriations