

103^D CONGRESS
2^D SESSION

S. 2042

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1994

Referred to the Committee on Foreign Affairs

AN ACT

To remove the United States arms embargo of the
Government of Bosnia and Herzegovina.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. UNITED STATES ARMS EMBARGO OF THE GOV-**
2 **ERNMENT OF BOSNIA AND HERZEGOVINA.**

3 (a) PROHIBITION.—Neither the President nor any
4 other member of the Executive Branch of the United
5 States Government shall interfere with the transfer of
6 arms to the Government of Bosnia and Herzegovina.

7 (b) TERMINATION.—The President shall terminate
8 the United States arms embargo of the Government of
9 Bosnia and Herzegovina upon receipt from that govern-
10 ment of a request for assistance in exercising its right of
11 self-defense under Article 51 of the United Nations Char-
12 ter.

13 (c) DEFINITION.—As used in this section, the term
14 “United States arms embargo of the Government of
15 Bosnia and Herzegovina” means the application to the
16 Government of Bosnia and Herzegovina of—

17 (1) the policy adopted July 10, 1991, and pub-
18 lished in the Federal Register of July 19, 1991 (58
19 Fed. Reg. 33322), under the heading “Suspension of
20 Munitions Export Licenses to Yugoslavia”; and

21 (2) any similar policy being applied by the
22 United States Government as of the date of receipt
23 of the request described in subsection (a) pursuant
24 to which approval is routinely denied for transfers of
25 defense articles and defense services to the former
26 Yugoslavia.

1 (d) Nothing in this section shall be interpreted as au-
2 thorization for deployment of United States forces in the
3 territory of Bosnia and Herzegovina for any purpose, in-
4 cluding training, support or delivery of military equip-
5 ment.

6 **SEC. 2. UNITED STATES ARMS EMBARGO OF THE GOVERN-**
7 **MENT OF BOSNIA AND HERZEGOVINA.**

8 (a) PROHIBITION.—Neither the President nor any
9 other member of the Executive Branch of the United
10 States Government shall interfere with the transfer of con-
11 ventional arms appropriate to the self-defense needs of the
12 Government of Bosnia and Herzegovina.

13 (b) TERMINATION.—The President shall terminate
14 the United States arms embargo of the Government of
15 Bosnia and Herzegovina upon receipt from that govern-
16 ment of a request for assistance in exercising its right of
17 self-defense under Article 51 of the United Nations Char-
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11 territory of Bosnia and Herzegovina for any purpose, in-
12 cluding training, support or delivery of military equip-
13 ment.

14 **SEC. 3. APPROVE AND AUTHORIZE USE OF UNITED STATES**
15 **AIRPOWER TO IMPLEMENT NATO EXCLUSION**
16 **ZONES.**

17 (a) **PURPOSE.**—To approve and authorize the use of
18 United States airpower to implement the North Atlantic
19 Treaty Organization (NATO) exclusion zones around
20 United Nations designated safe areas in Bosnia and
21 Herzegovina and to protect United Nations forces.

22 (b) **FINDINGS.**—The Congress makes the following
23 findings:

1 (1) the war in the Republic of Bosnia and
2 Herzegovina has claimed tens of thousands of lives
3 and displaced more than two million citizens;

4 (2) the Senate supports as a policy objective a
5 peace settlement that provides for an economically,
6 politically and militarily viable Bosnian state, capa-
7 ble of exercising its rights under the United Nations
8 Charter;

9 (3) United Nations Security Council Resolu-
10 tions 836 and 844 call on member states, acting na-
11 tionally or through regional organizations, to take all
12 necessary measures to deter attacks against safe
13 areas identified in Security Council resolution 824.

14 (4) On February 9, 1994 the North Atlantic
15 Council authorized the use of air strikes to end the
16 siege of Sarajevo and on April 22, 1994 to end the
17 siege of Gorazde and to respond to attacks on the
18 safe areas of Bihac, Srebrenica, Tuzla or Zepa or to
19 the threatening presence of heavy weapons within a
20 radius of 20 kilometers of those areas (within
21 Bosnia and Herzegovina);

22 (5) The Congress in the fiscal year 1994 State
23 Department authorization bill expressed its sense
24 that the President should terminate the United

1 States arms embargo on the Government of Bosnia
2 and Herzegovina.

3 (c) POLICY.—

4 (1) The Senate authorizes and approves the de-
5 cision by the President to join with our NATO allies
6 in implementing the North Atlantic Council deci-
7 sions—

8 (A) of June 10, 1993 to support and pro-
9 tect UNPROFOR forces in and around United
10 Nations designated safe areas, and

11 (B) of February 9, 1994 to use NATO's
12 airpower in the Sarajevo region of Bosnia and
13 Herzegovina, and

14 (C) of April 22, 1994 to authorize
15 CINCSOUTH to conduct air strikes against
16 Bosnian Serb heavy weapons and other military
17 targets within a 20 kilometers radius of the
18 center of Gorazde, and Bihac, Srebrenica, Tuzla
19 or Zepa (within the territory of Bosnia and
20 Herzegovina) if these safe areas are attacked or
21 threatened by Bosnian Serb heavy weapons.

22 (2) The Congress favors the termination of the
23 arms embargo against the Government of Bosnia
24 and Herzegovina. The President shall seek imme-
25 diately the agreement of NATO allies to terminate

1 the international arms embargo on the Government
2 of Bosnia and Herzegovina. In accordance with Ad-
3 ministration policy following such consultations the
4 President or his representative shall promptly pro-
5 pose or support a resolution in the United Nations
6 Security Council to terminate the international arms
7 embargo on Bosnia and Herzegovina. If the Security
8 Council fails to pass such a resolution the President
9 shall within 5 days consult with Congress regarding
10 unilateral termination of the arms embargo on the
11 Government of Bosnia and Herzegovina. Upon ter-
12 mination of the international embargo the President
13 shall ensure that, subject to the regular notification
14 procedures of the appropriate congressional commit-
15 tees, appropriate military assistance be provided ex-
16 peditiously to Bosnia and Herzegovina upon receipt
17 from that government of such a request in exercising
18 its right of self-defense.

19 (3) Unless previously authorized by the Con-
20 gress no United States ground combat forces should
21 be deployed in Bosnia and Herzegovina. Any request
22 by the President for such authorization should in-
23 clude:

1 (A) an explanation of the United States in-
2 terests involved in such commitments or ac-
3 tions;

4 (B) the specific objectives of the commit-
5 ments or actions;

6 (C) the likely duration of the operation;

7 (D) the size, composition, command and
8 control arrangements, rules of engagement, con-
9 tributions of allied nations, and other details of
10 the force needed to meet the objectives;

11 (E) specific measurements of success, par-
12 ticularly the end point of the United States in-
13 volvement, and what follow-on security arrange-
14 ments would be needed; and

15 (F) an estimate of financial costs, includ-
16 ing burdensharing arrangements, and non-fi-
17 nancial costs as can be determined.

18 (4) Nothing in this legislation restricts the pre-
19 rogative of Congress to review the arms embargo on
20 Bosnia and Herzegovina.

Passed the Senate May 12 (legislative day, May 2),
1994.

Attest:

MARTHA S. POPE,
Secretary.