

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1157

To authorize the establishment of a Multilateral Bosnia and Herzegovina  
Self-Defense Fund.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. HELMS (for himself, Mr. DOLE, Mr. LIEBERMAN, and Mr. MCCAIN) in-  
troduced the following bill; which was read twice and referred to the Com-  
mittee on Foreign Relations

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## A BILL

To authorize the establishment of a Multilateral Bosnia and  
Herzegovina Self-Defense Fund.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Multilateral Bosnia  
5 and Herzegovina Self-Defense Fund Act”.

6 **SEC. 2. BOSNIA AND HERZEGOVINA SELF-DEFENSE FUND.**

7 (a) AUTHORITY FOR ESTABLISHMENT.—(1) Subject  
8 to the other provisions of this section, the President is au-  
9 thorized to enter into an international agreement with eli-  
10 gible countries for the establishment of a fund to assist

1 the self-defense of Bosnia and Herzegovina, which may be  
2 known as the “Multilateral Bosnia and Herzegovina Self-  
3 Defense Fund”.

4 (2) The Secretary of State is authorized—

5 (A) to pay the United States contribution to the  
6 Fund out of amounts made available pursuant to  
7 section 3; and

8 (B) to transfer to the custody of the inter-  
9 national board having responsibility for the Fund  
10 military equipment that has been drawn down in ac-  
11 cordance with section 4.

12 (b) PURPOSE.—The purpose of the Fund shall be to  
13 provide an international mechanism for the procurement  
14 of military equipment and training for transfer to the Gov-  
15 ernment of Bosnia and Herzegovina for the exercise of its  
16 right to self defense under Article 51 of the United Na-  
17 tions Charter, and to facilitate the achievement of a just  
18 and equitable peace settlement by enabling the Govern-  
19 ment of Bosnia and Herzegovina to protect its population  
20 and territory.

21 (c) REQUIREMENTS.—An agreement referred to in  
22 subsection (a) shall meet the following requirements:

23 (1) UNITED STATES REPRESENTATION.—The  
24 United States will chair any international board hav-  
25 ing responsibility for the Fund.

1           (2) MEMBERSHIP OF THE INTERNATIONAL  
2 BOARD.—Membership of any international board  
3 having responsibility for the Fund will include, at a  
4 minimum, one representative of the Government of  
5 Bosnia and Herzegovina and one representative  
6 from the Government of Croatia.

7           (3) CONTROL OF MILITARY EQUIPMENT.—The  
8 agreement will provide procedures for the control of  
9 military equipment received by the international  
10 board having responsibility for the Fund.

11           (4) COMMITMENT BY THE GOVERNMENT OF  
12 BOSNIA AND HERZEGOVINA.—Before any military  
13 equipment or training purchased or otherwise ac-  
14 quired through the Fund, or held by the inter-  
15 national board responsible for the Fund, may be  
16 transferred to the Government of Bosnia and  
17 Herzegovina that Government will provide written  
18 assurances that the equipment or training will not  
19 be used to take reprisals against any civilians in  
20 Bosnia and Herzegovina.

21           (5) IMPLEMENTATION.—No military equipment  
22 or training purchased or otherwise acquired through  
23 the Fund, or held by the international board respon-  
24 sible for the Fund, will be transferred to the Govern-  
25 ment of Bosnia and Herzegovina before the date of

1 termination of the United States arms embargo  
2 against the Government of Bosnia and Herzegovina  
3 if such a transfer would violate the embargo.

4 (d) DEFINITIONS.—As used in this section:

5 (1) ELIGIBLE COUNTRIES.—The term “eligible  
6 countries” includes any foreign country other than a  
7 country the government of which the Secretary of  
8 State has determined, in accordance with section  
9 6(j)(1)(A) of the Export Administration Act of  
10 1979, repeatedly provides support for acts of inter-  
11 national terrorism.

12 (2) FUND.—The term “Fund” means the fund  
13 established as provided in section 2(a).

14 (3) GOVERNMENT OF BOSNIA AND  
15 HERZEGOVINA.—The term “Government of Bosnia  
16 and Herzegovina” includes any agency, instrumen-  
17 tality, or forces of the Government of Bosnia and  
18 Herzegovina.

19 (4) UNITED STATES ARMS EMBARGO OF THE  
20 GOVERNMENT OF BOSNIA AND HERZEGOVINA.—The  
21 term “United States arms embargo of the Govern-  
22 ment of Bosnia and Herzegovina means the applica-  
23 tion to the Government of Bosnia and Herzegovina  
24 of—

1 (A) the policy adopted July 10, 1991, and  
2 published in the Federal Register of July 19,  
3 1991 (58 FR 33322) under the heading “Sus-  
4 pension of Munitions Export Licenses to Yugo-  
5 slavia”; and

6 (B) any similar policy being applied by the  
7 United States Government as of the date of  
8 completion of withdrawal of UNPROFOR per-  
9 sonnel from Bosnia and Herzegovina, pursuant  
10 to which approval is denied for transfers of de-  
11 fense articles and defense services to the former  
12 Yugoslavia.

13 **SEC. 3. UNITED STATES CONTRIBUTION TO THE FUND.**

14 Of the amounts made available for fiscal year 1996  
15 to carry out the Foreign Military Financing Program  
16 under section 23 of the Arms Export Control Act,  
17 \$50,000,000 shall be available only for payment to the  
18 Fund of the United States contribution authorized by sec-  
19 tion 2(a)(2)(A).

20 **SEC. 4. DRAW DOWN AUTHORITY.**

21 (a) **AUTHORITY.**—The President is authorized to  
22 transfer, subject to the regular notification procedures of  
23 the Committees on Appropriations of the House and the  
24 Senate, to the custody of the international board having  
25 responsibility for the Fund, without reimbursement, de-

1 fense articles from the stocks of the Department of De-  
2 fense and defense services of the Department of Defense  
3 of an aggregate value not to exceed \$50,000,000 in fiscal  
4 year 1996.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the President such  
7 sums as may be necessary to reimburse the applicable ap-  
8 propriation, fund, or account for defense articles provided  
9 under this section.

10 **SEC. 5. REPORT.**

11 Sixty days after the date of enactment of this Act,  
12 the President shall submit a report to the Committee on  
13 Foreign Relations of the Senate and the Speaker of the  
14 House of Representatives on what steps the President and  
15 the Secretary of State have taken to carry out section  
16 2(a).

17 **SEC. 6. STATUTORY CONSTRUCTION.**

18 Nothing in this Act shall be interpreted as authoriza-  
19 tion for deployment of United States forces in the territory  
20 of Bosnia and Herzegovina for any purpose, including  
21 training, support, or delivery of military equipment.

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