

103^D CONGRESS
2^D SESSION

H. R. 4290

Providing for the self-defense of Bosnia and Herzegovina.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1994

Mr. GILMAN (for himself, Mr. HYDE, Mr. DORNAN, and Mr. GINGRICH) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

Providing for the self-defense 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bosnia and
5 Herzegovina Self-Defense Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) For the reasons stated in the conference re-
9 port on the Foreign Relations Authorization Act,
10 Fiscal Years 1994 and 1995 (H.R. 2333), the Con-
11 gress has found that continued application of an

1 international arms embargo to the Government of
2 Bosnia and Herzegovina contravenes that Govern-
3 ment's inherent right of individual or collective self-
4 defense under Article 51 of the United Nations
5 Charter and therefore is inconsistent with inter-
6 national law.

7 (2) Before deploying United States Armed
8 Forces to defend the territorial integrity and politi-
9 cal independence of Bosnia and Herzegovina, or to
10 enforce United Nations mandates in Bosnia and
11 Herzegovina, the United States should seek to pro-
12 vide the Government of Bosnia and Herzegovina
13 with the means necessary to exercise its inherent
14 right of self-defense.

15 **SEC. 3. TERMINATION OF ARMS EMBARGO.**

16 (a) TERMINATION.—The President shall terminate
17 the United States arms embargo of the Government of
18 Bosnia and Herzegovina upon receipt from that Govern-
19 ment of a request for assistance in exercising its right of
20 self-defense under Article 51 of the United Nations
21 Charter.

22 (b) DEFINITION.—As used in this section, the term
23 “United States arms embargo of the Government of
24 Bosnia and Herzegovina” means the application to the
25 Government of Bosnia and Herzegovina of—

1 (1) the policy adopted July 10, 1991, and pub-
2 lished in the Federal Register of July 19, 1991 (58
3 F.R. 33322) under the heading “Suspension of Mu-
4 nitions Export Licenses to Yugoslavia”; and

5 (2) any similar policy being applied by the
6 United States Government as of the date of receipt
7 of the request described in subsection (a) pursuant
8 to which approval is denied for transfers of defense
9 articles and defense services to the former Yugo-
10 slavia.

11 **SEC. 4. PROVISION OF UNITED STATES MILITARY ASSIST-**
12 **ANCE.**

13 (a) **POLICY.**—The President should provide appro-
14 priate military assistance to the Government of Bosnia
15 and Herzegovina upon receipt from that Government of
16 a request for assistance in exercising its right of self-de-
17 fense under Article 51 of the United Nations Charter.

18 (b) **AUTHORIZATION OF MILITARY ASSISTANCE.**—

19 (1) **DRAWDOWN AUTHORITY.**—If the Govern-
20 ment of Bosnia and Herzegovina requests United
21 States assistance in exercising its right of self-de-
22 fense under Article 51 of the United Nations Char-
23 ter, the President is authorized to direct the
24 drawdown of defense articles from the stocks of the
25 Department of Defense, defense services of the De-

1 partment of Defense, and military education and
2 training in order to provide assistance to the Gov-
3 ernment of Bosnia and Herzegovina. Such assistance
4 shall be provided on such terms and conditions as
5 the President may determine.

6 (2) LIMITATION ON VALUE OF TRANSFERS.—
7 The aggregate value (as defined in section 664(m)
8 of the Foreign Assistance Act of 1961) of defense
9 articles, defense services, and military education and
10 training provided under this subsection may not ex-
11 ceed \$200,000,000.

12 (3) EXPIRATION OF AUTHORIZATION.—The au-
13 thority provided to the President in paragraph (1)
14 expires at the end of fiscal year 1995.

15 (4) LIMITATION ON ACTIVITIES.—Members of
16 the United States Armed Forces who perform de-
17 fense services or provide military education and
18 training outside the United States under this sub-
19 section may not perform any duties of a combatant
20 nature, including any duties related to training and
21 advising that may engage them in combat activities.

22 (5) REPORTS TO CONGRESS.—Within sixty days
23 after any exercise of the authority of paragraph (1)
24 and every sixty days thereafter, the President shall
25 report in writing to the Speaker of the House of

1 Representatives and the President pro tempore of
2 the Senate concerning the defense articles, defense
3 services, and military education and training being
4 provided and the use made of such articles, services,
5 and education and training.

6 (6) REIMBURSEMENT.—(A) Defense articles,
7 defense services, and military education and training
8 provided under this subsection shall be made avail-
9 able without reimbursement to the Department of
10 Defense except to the extent that funds are appro-
11 priated pursuant to subparagraph (B).

12 (B) There are authorized to be appropriated to
13 the President such sums as may be necessary to re-
14 imburse the applicable appropriation, fund, or ac-
15 count for the value (as defined in section 664(m) of
16 the Foreign Assistance Act of 1961) of defense arti-
17 cles, defense services, or military education and
18 training provided under this subsection.

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