

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

# S. 21

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## AN ACT

To terminate the United States arms embargo applicable  
to 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Bosnia and  
5       Herzegovina Self-Defense Act of 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) For the reasons stated in section 520 of the  
4 Foreign Relations Authorization Act, Fiscal Years  
5 1994 and 1995 (Public Law 103–236), the Congress  
6 has found that continued application of an inter-  
7 national arms embargo to the Government of Bosnia  
8 and Herzegovina contravenes that Government’s in-  
9 herent right of individual or collective self-defense  
10 under Article 51 of the United National Charter and  
11 therefore is inconsistent with international law.

12 (2) The United States has not formally sought  
13 multilateral support for terminating the arms em-  
14 bargo against Bosnia and Herzegovina through a  
15 vote on a United Nations Security Council resolution  
16 since the enactment of section 1404 of the National  
17 Defense Authorization Act for Fiscal Year 1995  
18 (Public Law 103–337).

19 (3) The United Nations Security Council has  
20 not taken measures necessary to maintain inter-  
21 national peace and security in Bosnia and  
22 Herzegovina since the aggression against that coun-  
23 try began in April 1992.

24 (4) The Contact Group, composed of represent-  
25 atives of the United States, Russia, France, Great  
26 Britain, and Germany, has since July 1994 main-

1       tained that in the event of continuing rejection by  
2       the Bosnian Serbs of the Contact Group’s proposal  
3       for Bosnia and Herzegovina, a decision in the Unit-  
4       ed Nations Security Council to lift the Bosnian arms  
5       embargo as a last resort would be unavoidable.

6   **SEC. 3. STATEMENT OF SUPPORT.**

7       The Congress supports the efforts of the Government  
8       of the Republic of Bosnia and Herzegovina—

9               (1) to defend its people and the territory of the  
10      Republic;

11             (2) to preserve the sovereignty, independence,  
12      and territorial integrity of the Republic; and

13             (3) to bring about a peaceful, just, fair, viable,  
14      and sustainable settlement of the conflict in Bosnia  
15      and Herzegovina.

16   **SEC. 4. TERMINATION OF ARMS EMBARGO.**

17       (a) TERMINATION.—The President shall terminate  
18      the United States arms embargo of the Government of  
19      Bosnia and Herzegovina, as provided in subsection (b),  
20      following—

21             (1) receipt by the United States Government of  
22      a request from the Government of Bosnia and  
23      Herzegovina for termination of the United States  
24      arms embargo and submission by the Government of  
25      Bosnia and Herzegovina, in exercise of its sovereign

1 rights as a nation, of a request to the United Na-  
2 tions Security Council for the departure of  
3 UNPROFOR from Bosnia and Herzegovina; or

4 (2) a decision by the United Nations Security  
5 Council, or decisions by countries contributing forces  
6 to UNPROFOR, to withdraw UNPROFOR from  
7 Bosnia and Herzegovina.

8 (b) IMPLEMENTATION OF TERMINATION.—The  
9 President may implement termination of the United  
10 States arms embargo of the Government of Bosnia and  
11 Herzegovina pursuant to subsection (a) prior to the date  
12 of completion of the withdrawal of UNPROFOR personnel  
13 from Bosnia and Herzegovina, but shall, subject to sub-  
14 section (c), implement termination of the embargo pursu-  
15 ant to that subsection no later than the earlier of—

16 (1) the date of completion of the withdrawal of  
17 UNPROFOR personnel from Bosnia and  
18 Herzegovina; or

19 (2) the date which is 12 weeks after the date  
20 of submission by the Government of Bosnia and  
21 Herzegovina of a request to the United Nations Se-  
22 curity Council for the departure of UNPROFOR  
23 from Bosnia and Herzegovina.

24 (c) PRESIDENTIAL WAIVER AUTHORITY.—If the  
25 President determines and reports in advance to Congress

1 that the safety, security, and successful completion of the  
2 withdrawal of UNPROFOR personnel from Bosnia and  
3 Herzegovina in accordance with subsection (b)(2) requires  
4 more time than the period provided for in that subsection,  
5 the President may extend the time period available under  
6 subsection (b)(2) for implementing termination of the  
7 United States arms embargo of the Government of Bosnia  
8 and Herzegovina for a period of up to 30 days. The au-  
9 thority in this subsection may be exercised to extend the  
10 time period available under subsection (b)(2) for more  
11 than one 30-day period.

12 (d) PRESIDENTIAL REPORTS.—Within 7 days of the  
13 commencement of the withdrawal of UNPROFOR from  
14 Bosnia and Herzegovina, and every 14 days thereafter, the  
15 President shall report in writing to the President pro tem-  
16 pore of the Senate and the Speaker of the House of Rep-  
17 resentatives on the status and estimated date of comple-  
18 tion of the withdrawal operation. If any such report in-  
19 cludes an estimated date of completion of the withdrawal  
20 which is later than 12 weeks after commencement of the  
21 withdrawal operation, the report shall include the oper-  
22 ational reasons which prevent the completion of the with-  
23 drawal within 12 weeks of commencement.

24 (e) INTERNATIONAL POLICY.—If the Government of  
25 Bosnia and Herzegovina submits a request to the United

1 Nations Security Council for the departure of  
2 UNPROFOR from Bosnia and Herzegovina or if the  
3 United Nations Security Council or the countries contrib-  
4 uting forces to UNPROFOR decide to withdraw from  
5 Bosnia and Herzegovina, as provided in subsection (a), the  
6 President (or his representative) shall immediately intro-  
7 duce and support in the United Nations Security Council  
8 a resolution to terminate the application of United Na-  
9 tions Security Council resolution 713 to the Government  
10 of Bosnia and Herzegovina. The United States shall insist  
11 on a vote on the resolution by the Security Council. The  
12 resolution shall, at a minimum, provide for the termi-  
13 nation of the applicability of United Nations Security  
14 Council resolution 713 to the government of Bosnia and  
15 Herzegovina no later than the completion of the with-  
16 drawal of UNPROFOR personnel from Bosnia and  
17 Herzegovina. In the event the United Nations Security  
18 Council fails to adopt the resolution to terminate the ap-  
19 plication of United Nations Security Council resolution  
20 713 to the Government of Bosnia and Herzegovina be-  
21 cause of a lack of unanimity of the permanent members,  
22 thereby failing to exercise its primary responsibility for the  
23 maintenance of international peace and security, the Unit-  
24 ed States shall promptly endeavor to bring the issue before

1 the General Assembly for decision as provided for in the  
2 Assembly's Uniting for Peace Resolution of 1950.

3 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion shall be interpreted as authorization for deployment  
5 of United States forces in the territory of Bosnia and  
6 Herzegovina for any purpose, including training, support,  
7 or delivery of military equipment.

8 (g) DEFINITIONS.—As used in this section—

9 (1) the term “United States arms embargo of  
10 the Government of Bosnia and Herzegovina” means  
11 the application to the Government of Bosnia and  
12 Herzegovina of—

13 (A) the policy adopted July 10, 1991, and  
14 published in the Federal Register of July 19,  
15 1991 (58 FR 33322) under the heading “Sus-  
16 pension of Munitions Export Licenses to Yugo-  
17 slavia”; and

18 (B) any similar policy being applied by the  
19 United States Government as of the date of  
20 completion of withdrawal of UNPROFOR per-  
21 sonnel from Bosnia and Herzegovina, pursuant  
22 to which approval is denied for transfers of de-  
23 fense articles and defense services to the former  
24 Yugoslavia; and

1           (2) the term “completion of the withdrawal of  
2 UNPROFOR personnel from Bosnia and  
3 Herzegovina” means the departure from the terri-  
4 tory of Bosnia and Herzegovina of substantially all  
5 personnel participating in UNPROFOR and sub-  
6 stantially all other personnel assisting in their with-  
7 drawal, within a reasonable period of time, without  
8 regard to whether the withdrawal was initiated pur-  
9 suant to a request by the Government of Bosnia and  
10 Herzegovina, a decision by the United Nations Secu-  
11 rity Council, or decisions by countries contributing  
12 forces to UNPROFOR, but the term does not in-  
13 clude such personnel as may remain in Bosnia and  
14 Herzegovina pursuant to an agreement between the  
15 Government of Bosnia and Herzegovina and the gov-  
16 ernment of any country providing such personnel.

Passed the Senate July 26 (legislative day, July 10),  
1995.

Attest:

*Secretary.*



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