

# CRS Report for Congress

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## **Bosnia Implementation Force (IFOR) and Stabilization Force (SFOR): Activities of the 104<sup>th</sup> Congress**

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(name redacted)

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# Bosnia Implementation Force (IFOR) and Stabilization Force (SFOR): Activities of the 104<sup>th</sup> Congress

## Summary

U.S. military forces have been serving as peacekeepers in Bosnia and Herzegovina since shortly after the signing of the Dayton peace agreement in late 1995. The mission of the NATO multinational Implementation Force (IFOR) was to carry out the military provisions of the peace agreement, brokered under U.S. leadership, under a one-year mandate. In December 1996, NATO countries agreed to deploy a smaller Stabilization Force (SFOR) to succeed IFOR. SFOR will continue to deter a resumption of hostilities and lend selective support to civilian peace efforts. Other international organizations and agencies continue to be responsible for assisting the Bosnian parties fulfill the non-military tasks of the accords, and for providing reconstruction assistance.

In late 1995, the Clinton Administration faced heavy skepticism in Congress over the issue of U.S. participation in IFOR. The Administration maintained that formal congressional authorization was not required for U.S. armed forces to be deployed in IFOR, although it did request an expression of congressional support for such deployment after a peace agreement was concluded. On the whole, many in Congress remained unconvinced that any vital U.S. interests were directly at stake in Bosnia. Opponents to U.S. participation explored various legislative options based on Congress' role in authorizing the deployment of U.S. forces overseas and appropriating or withholding the necessary funds for any such deployment.

At the end of the first session, legislation that would have barred funds for U.S. troops en route to Bosnia was narrowly defeated in the House. The Senate approved a resolution expressing support for the men and women of the United States armed forces who were to be deployed to Bosnia and set conditions on U.S. participation in IFOR. However, no measure passed either chamber that endorsed the President's policy or expressed the support of the Congress for IFOR's mission.

IFOR's performance and achievements were widely lauded throughout the year following Dayton. However, by mid-1996 some Members of Congress expressed concerns relating to IFOR's scheduled mission completion date by December, problems in peace implementation on the civilian side which could negatively affect IFOR's withdrawal, and the prospects for a successor military mission to IFOR. It became increasingly apparent that some sort of successor mission might need to remain in Bosnia after December if peace efforts were to continue and take firmer hold in Bosnia. The Administration eschewed any formal decision on or commitment to a follow-on force until mid-November 1996. It has asserted that the follow-on Stabilization Force represents a separate and distinct operation from IFOR. Congressional committees launched numerous hearings on the issue in the final weeks of the 104th Congress, with some critics in Congress lambasting Administration officials for supposedly reneging on the commitment to have U.S. forces leave Bosnia after one year. However, Congress adjourned in October 1996 without taking any specific action on the issue.

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# Bosnia Implementation Force (IFOR) and Stabilization Force (SFOR): Activities of the 104<sup>th</sup> Congress

## Introduction<sup>1</sup>

The peace agreement for Bosnia and Herzegovina brokered by the United States in late 1995 paved the way for the deployment of nearly 60,000 NATO troops beginning in December 1995. NATO's Implementation Force (IFOR), including about one-third U.S. troops, was responsible for implementing the military provisions of the peace agreement. IFOR's mandate, authorized by the U.N. Security Council, extended one year from December 20, 1995.

IFOR's primary mandate was to monitor and enforce compliance with the military requirements of the Dayton peace agreement. IFOR monitored and enforced maintenance of a zone of separation along the "inter-entity boundary line" between the Bosnian Federation and the Republika Srpska (the two entities defined by the peace agreement). IFOR also monitored and enforced the withdrawal of Bosnian Federation and Bosnian Serb forces and weapons to barracks and cantonments in their respective entities. Within its capabilities and resources, IFOR agreed to assist civilian organizations in their non-military tasks by establishing secure conditions on the ground; assisting in the freedom of movement of these organizations; assisting in the clearing of minefields; and responding to any violent situation. IFOR provided substantial logistical support to the Organization for Security and Cooperation in Europe (OSCE) during the Bosnian national and entity elections held in September 1996.

In December 1995, over fifty countries and international organizations designated Carl Bildt to be the High Representative to oversee and coordinate all non-military aspects of implementation of the peace agreement. Other organizations designated by the peace agreement to assist with civilian tasks include the U.N. High Commissioner for Refugees, the Organization for Security and Cooperation in Europe, the U.N. International Police Task Force, and the International Criminal Tribunal for the Former Yugoslavia. Neither the High Representative nor any other civilian organization had any command authority over IFOR forces.<sup>23</sup> Military and

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<sup>1</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. Bosnia-former Yugoslavia and U.S. Policy, by (name redacted) and (name redacted). CRS Issue Brief IB91089, updated regularly.

<sup>2</sup> For further information on civil implementation and civil reconstruction, see U.S. Library (continued...)

civilian organizations operating in Bosnia were linked by the Combined Joint Civil Military Cooperation (CJCIMIC), a forum established by IFOR to facilitate IFOR's support to the High Representative and other civilian organizations.

Unlike its European allies, the United States eschewed engagement in Bosnia with ground troops under U.N. command in the U.N. Protection Force (UNPROFOR) during the course of the war. Before it would commit U.S. forces to any peacekeeping mission in Bosnia, the Clinton Administration insisted that all of the parties first had to come to agreement on a comprehensive and viable peace agreement. NATO had to exercise command and control over any peacekeeping/peace enforcement operation. The mission was to remain limited to about one year. Even with these conditions, the Administration had to overcome a great deal of skepticism and apprehension from the Congress and the U.S. public as a whole. Some legislators, particularly in the House of Representatives, made strenuous attempts to forestall the deployment of U.S. ground troops to Bosnia. However, Congress was not given and in the end did not assert a deciding role in determining the conditions for U.S. troop deployment in Bosnia.

A year after Dayton, the overall record of peace implementation appeared mixed. By virtually all accounts, IFOR performed its primary mission with great success and limited risks. The parties complied with military requirements and deadlines on the cessation of hostilities, the separation of their forces, and the cantonment of heavy armaments. When faced with resistance or violations of the military annex, IFOR's response was firm. On the other hand, less progress was evident after one year in civilian reconstruction and political reintegration efforts. Some observers contended that the parties maintained fundamentally different objectives from one another and demonstrated little cooperation outside of the military requirements. They characterized the situation in Bosnia as one of an absence of war, but not one of peace. In November-December 1996, the international community endorsed a two-year civilian consolidation plan to accelerate and firmly implement the non-military aspects of the peace agreement. Under such circumstances, it was uncertain what effect a full withdrawal of IFOR would have on peace prospects in Bosnia.

This mixed record on peace implementation in Bosnia pointed to the possible need for a follow-on mission to succeed IFOR when IFOR's mandate expired on December 20, 1996. Beginning in September, NATO began formally to study various options. The alliance's military planners settled on the option to deploy a smaller multinational force in order to lend stability to ongoing peace efforts. The Clinton Administration avoided making any firm commitments to the follow-on

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<sup>2</sup> (...continued)

of Congress. Congressional Research Service. Bosnia: Civil Implementation of the Peace Agreement, coordinated by (name redacted) CRS Report 96-177, updated October 11, 1996; and Bosnia Reconstruction: International Initiatives and the U.S. Role, by (name redacted). CRS Report 96-96, updated July 12, 1996.

<sup>3</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. Bosnia-former Yugoslavia and U.S. Policy, by (name redacted) and (name redacted). CRS Issue Brief IB91089, updated regularly.

force, but rather emphasized IFOR's scheduled departure. Finally in mid-November, after reviewing NATO recommendations, President Clinton announced that a smaller contingent of U.S. troops would participate in the new multinational Stabilization Force (SFOR) for an 18-month period. NATO approved of the creation of SFOR in December.

Given the timing of these events, and with most attention focussed on the U.S. elections in November 1996, the 104th Congress adjourned in October without taking any action on this issue, although committees in both houses held numerous hearings. U.S. participation in SFOR is likely to be closely examined early in the 105th Congress.

This report describes U.S. participation in IFOR and the evolution of policy on the follow-on Stabilization Force. It then reviews initial congressional responses in legislation to the question of U.S. participation in IFOR. Finally, subsequent issues before the Congress on the U.S. military commitment in Bosnia, including the debate over an extended U.S. engagement, are examined. An appendix details legislation on the U.S. troop deployment in Bosnia passed or considered by the 104th Congress.

## **U.S. Participation in IFOR**

During the Bosnian war, the Clinton Administration maintained that U.S. forces would not enter the war as combatants, but that it would consider U.S. participation in a multilateral peacekeeping mission after a comprehensive peace agreement was reached. As U.S. efforts to broker a peace agreement progressed in mid- to late 1995, Administration officials briefed Congress on NATO plans to deploy a multinational Implementation Force (IFOR), including a U.S. troop contingent of 20,000-25,000 troops, to carry out military provisions of the peace agreement. The Administration refused, however, to seek out congressional endorsement of U.S. participation in IFOR prior to the actual conclusion of a peace agreement. After the initialling of the Dayton peace accord on November 21, 1995, President Clinton, in a letter to the congressional leadership, formally requested "a Congressional expression of support for U.S. participation in a NATO-led Implementation Force in Bosnia."<sup>45</sup> President Clinton had earlier made clear, however, that he would reserve his "constitutional

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<sup>4</sup> Congressional Record, December 11, 1995, S18336.

<sup>5</sup> For further information on civil implementation and civil reconstruction, see U.S. Library of Congress. Congressional Research Service. Bosnia: Civil Implementation of the Peace Agreement, coordinated by (name redacted) CRS Report 96-177, updated October 11, 1996; and Bosnia Reconstruction: International Initiatives and the U.S. Role, by (name redacted). CRS Report 96-96, updated July 12, 1996.

prerogatives" in the area of war powers. In other words, the Administration was seeking congressional "support" and not "approval."<sup>67</sup>

The military annex of the Dayton accord provided that the Implementation Force be deployed for "approximately one year." Administration officials made numerous pronouncements on the expected duration of the IFOR mission and U.S. participation in it. In a nationally televised address on November 27, 1995, President Clinton stated that "this mission should, and will, take about one year." Likewise, Defense Secretary William Perry and Joint Chiefs of Staff General John Shalikashvili testified before congressional committees in late 1995 that the mission would be accomplished within one year. While IFOR's military tasks were to be carried out within one year, the accompanying civil reconstruction and political re-integration efforts were always expected to last much longer. The projected 12-month period for IFOR was said to be adequate to "accomplish all of the military tasks and establish a stable security environment which will allow the civil program efforts to take hold."<sup>89</sup> Skeptics in Congress expressed concern that IFOR's exit strategy was being driven by a politically attractive target date instead of by realistic military objectives.

After taking over from the United Nations in Bosnia on December 20, 1995, IFOR carried out its military tasks on schedule and progressed through its mission phases. About 22,000 U.S. military personnel were assigned to IFOR in total, of which slightly over 15,000 were in Bosnia. Throughout 1996, the Administration maintained that U.S. troops in IFOR would complete their mission on schedule and be redeployed out of Bosnia within about a year, as promised. On April 30, President Clinton approved of a phased draw-down of IFOR that would keep IFOR at full strength through the Bosnian elections in September, and maintain a "robust force" capable of carrying out its full mission through the end of IFOR's mandate on December 20, 1996.<sup>1011</sup>

In October, after United States began to draw down its contingent in IFOR, the Administration approved of a brigade-sized "covering force" to assist in the

<sup>6</sup> For more information on issues relating to war powers, see U.S. Library of Congress. Congressional Research Service. *The War Powers Resolution: Twenty-two Years of Experience*, by (name redacted) . CRS Report 96-476F. May 24, 1996. 58 p.

<sup>7</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. *Bosnia-former Yugoslavia and U.S. Policy*, by (name redacted) and (name redacted). CRS Issue Brief 91089, updated regularly.

<sup>8</sup> U.S. House of Representatives. Committee on International Relations. *Hearing on U.S. Policy Towards Bosnia*. 104th Congress, First Session. November 30, 1995. pp. 11; 87.

<sup>9</sup> Congressional Record, December 11, 1995, S18336.

<sup>10</sup> Letter from the U.S. Department of State to Representative Lee Hamilton, the Congressional Record, May 20, 1996, E844.

<sup>11</sup> For further information on civil implementation and civil reconstruction, see U.S. Library of Congress. Congressional Research Service. *Bosnia: Civil Implementation of the Peace Agreement*, coordinated by (name redacted) CRS Report 96-177, updated October 11, 1996; and *Bosnia Reconstruction: International Initiatives and the U.S. Role*, by (name redacted). CRS Report 96-96, updated July 12, 1996.

withdrawal of the remaining U.S. troops in IFOR. By Administration estimates, the covering force would remain in Bosnia until mid-March 1997.<sup>1213</sup> This additional deployment of 5,000 U.S. troops came under close scrutiny in the Congress in hearings, with some Members expressing suspicion that the covering force was to assume the mission of a follow-on force. Defense Secretary Perry and Joint Chiefs of Staff General Shalikashvili responded that, by their view, the covering force represented part of a normal shifting of U.S. troops in IFOR and was not a supplementary troop commitment.<sup>1415</sup> (See section on 1996 Congressional concerns and debate, below.)

As IFOR's operation wound down toward the end of 1996, top Administration officials lauded the performance of the NATO force and the successful achievement of all of IFOR's tasks, notwithstanding the still fragile peace in Bosnia. IFOR's mandate formally ended on December 20, 1996.

## **Evolution of Policy on a Stabilization Force (SFOR)**

Despite widespread speculation since early 1996 on what would follow IFOR after it was scheduled to leave Bosnia in December 1996, neither the North Atlantic alliance nor the Clinton Administration made any final decisions on a follow-on force until late in the year.

On December 10, 1996, NATO ministers formally approved of a smaller Stabilization Force (SFOR) to replace IFOR for an 18-month term. The U.N. Security Council unanimously passed a resolution authorizing the force on December 12. The decision on SFOR came about after the alliance considered for a number of months four options ranging from total withdrawal to a continuation of the existing IFOR mission. The options that received the most consideration concerned a "deterrence" force to prevent renewed fighting, and a "deterrence-plus" force which would also perform other tasks aimed at enhancing stability. NATO representatives agreed in principle on the latter stabilization force option of 25,000 to 30,000 troops on November 18. The mission of the new force is to deter a resumption of hostilities, contribute to a secure environment for the further consolidation and stabilization of peace, and lend selective support to civilian implementation efforts (including the holding of postponed municipal elections in mid-1997). NATO is to review SFOR at six-month intervals and progressively reduce the size of the force until full withdrawal after 18 months.

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<sup>12</sup> U.S. Senate. Committee on Armed Services. Hearing on American Troop Involvement in Bosnia. 104th Congress, 2nd Session. October 3, 1996.

<sup>13</sup> For more information on issues relating to war powers, see U.S. Library of Congress. Congressional Research Service. The War Powers Resolution: Twenty-two Years of Experience, by (name redacted) . CRS Report 96-476F. May 24, 1996. 58 p.

<sup>14</sup> Ibid.

<sup>15</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. Bosnia-former Yugoslavia and U.S. Policy, by (name redacted) and (name redacted). CRS Issue Brief IB91089, updated regularly.



Until November 1996, the Clinton Administration avoided making any firm pronouncements on possible successor missions to IFOR. Rather, Administration officials emphasized plans for IFOR's completion of its mission and withdrawal. In July, Vice President Al Gore stated that IFOR's mission should be completed by the end of the year, and that "there is no successor mission."<sup>1617</sup> The State Department emphasized that it did "not believe that it will be necessary to deploy military forces in Bosnia after IFOR...finishes its job...at the end of December.... We anticipate and are planning for a complete withdrawal of American forces from Bosnia."<sup>1819</sup> Moreover, Administration officials discounted consideration of any contingency plans for a post-IFOR mission until after the September elections in Bosnia. Secretary of State Christopher testified in July that planning for any follow-on force in Bosnia was "premature."<sup>2021</sup> Undersecretary of State Walter Slocombe testified that the Administration and the alliance would assess the situation in Bosnia after the September elections to judge whether and what sort of security arrangement might be required after IFOR.<sup>2223</sup>

After the September elections in Bosnia, Administration officials indicated that some sort of international military presence may be required after IFOR, but deferred any formal decision or commitment while NATO was considering its options. It argued that IFOR, having successfully completed its mission, could be terminated and withdrawn from Bosnia as scheduled. While it affirmed the likely need for an international military presence after IFOR, it argued that this likely requirement did not contradict the Administration's promise of a one-year commitment to IFOR.

After reviewing NATO's completed study on options for Bosnia, President Clinton formally announced on November 15 that the United States would take part in a follow-on force in Bosnia. He stated that IFOR had "succeeded beyond our expectations" but that Bosnia still needed the stability that only an outside force could provide. He added that the United States had "a responsibility to see (the Bosnia commitment) through." The new mission was to be more limited than IFOR's

<sup>16</sup> CBS Face the Nation, July 14, 1996.

<sup>17</sup> U.S. House of Representatives. Committee on International Relations. Hearing on U.S. Policy Towards Bosnia. 104<sup>th</sup> Congress, First Session. November 30, 1995. pp. 11; 87.

<sup>18</sup> State Department news briefing, July 25, 1996.

<sup>19</sup> Congressional Record, December 11, 1995, S18336.

<sup>20</sup> Hearing on U.S. Foreign Policy, House Committee on International Relations, July 31, 1996.

<sup>21</sup> Letter from the U.S. Department of State to Representative Lee Hamilton, the Congressional Record, May 20, 1996, E844.

<sup>22</sup> Hearing on U.S. Participation in Operations in Bosnia, Senate Committee on Armed Services, August 1, 1996.

<sup>23</sup> For further information on civil implementation and civil reconstruction, see U.S. Library of Congress. Congressional Research Service. Bosnia: Civil Implementation of the Peace Agreement, coordinated by (name redacted) CRS Report 96-177, updated October 11, 1996; and Bosnia Reconstruction: International Initiatives and the U.S. Role, by (name redacted). CRS Report 96-96, updated July 12, 1996.

and would require fewer troops. The U.S. troop contribution was to be about 8,500, to be drawn down gradually and completely by June 1998.

The Administration has portrayed the Stabilization Force as a new and distinct operation from IFOR. In particular, officials have emphasized that the mission for SFOR is different and far more limited than IFOR's. While IFOR's command structure and rules of engagement have carried over to SFOR, the force's composition and leadership have changed.

## 1995 Congressional Response: Legislation on Bosnia Deployment

### Overview

The prospect of deploying U.S. ground troops to the former Yugoslavia had been present since the beginning of the Clinton Administration. As the war in Bosnia continued with no viable peace settlement in view from 1993 to 1995, debate in Congress for the most part focussed on alternative options, such as lifting the arms embargo against the Bosnian government, rather than on possible U.S. participation in peacekeeping.<sup>24</sup> Prior to the Dayton peace agreement in November 1995, practically no support in Congress had been voiced for the deployment of U.S. ground forces for humanitarian, enforcement, peacekeeping, or any other purposes.

As NATO engaged in a sustained air strike campaign against the Bosnian Serb forces and the Administration stepped up diplomatic initiatives in mid-1995, a rough military parity on the ground in Bosnia signalled more promising prospects for a peace settlement. Such prospects also increased the likelihood that the President would fulfill his longstanding pledge to have U.S. forces participate in peacekeeping. As discussed above, the President did not seek authorization from Congress for U.S. armed forces participation prior to the conclusion of a peace settlement.

On the whole, many in Congress remained unconvinced that any vital U.S. interests were directly at stake in Bosnia. Many also expressed frustration at being presented with a virtual *fait accompli* by the Administration that left Congress with little or no say in the decision-making process. The Administration countered that it had provided Congress with a few weeks' time to consider U.S. deployment prior to the dispatch of most U.S. troops to Bosnia in late December 1995.

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<sup>24</sup> For more on congressional debates and legislation during the 103d Congress, see U.S. Library of Congress. Congressional Research Service. Bosnia-Herzegovina and the 103d Congress: Policy Debates and Summary of Major Legislation, by (name redacted) and Dianne Rennack. CRS Report 94-1008. December 12, 1994. 63 p. For a summary of 1995 legislation on the arms embargo, see Bosnia: Legislation on Lifting the Arms Embargo, 104th Congress, 1st Session, by (name redacted). CRS Report 96-347 F. April 17, 1996. 4 p.

<sup>25</sup> U.S. Senate. Committee on Armed Services. Hearing on American Troop Involvement in Bosnia. 104<sup>th</sup> Congress, 2<sup>nd</sup> Session. October 3, 1996.

In considering the introduction of U.S. troops into Bosnia, opponents in Congress explored legislative options based on Congress' authorizing and appropriating authorities. Some of them asserted that Congress had a constitutional role in authorizing the deployment of U.S. forces overseas and threatened to withhold the necessary funds for any such deployment without prior approval by Congress. In contrast, others emphasized presidential prerogatives on questions relating to the deployment of U.S. military forces abroad, and remained wary of language that would "tie the hands" of the President on military questions. They also opposed more drastic measures, such as cutting off funds, which would have damaging consequences for U.S. troops already being deployed to the region.

At the end of the first session, legislation that would have barred funds for U.S. troops en route to Bosnia was narrowly defeated in the House. The Senate approved a resolution expressing support for the men and women of the United States armed forces who were to be deployed to Bosnia and set conditions on U.S. participation in IFOR. However, no measure passed that endorsed the President's policy or expressed the support of the Congress for IFOR's mission.

## Legislation and Debate<sup>2627</sup>

Prior congressional authorization for the deployment of United States armed forces to Bosnia was a central issue in Congress during the weeks of heightened diplomatic activity following NATO's *Deliberate Force* air strike campaign in August 1995. NATO stood ready to carry out existing plans to extract U.N. Protection Force personnel from their unraveling mission in Bosnia, and commenced contingency planning for peacekeeping if a peace agreement was reached. Both operations projected the participation of up to 25,000 U.S. troops. Members of Congress, especially Republicans, began to question the need for U.S. participation and the planned size of the U.S. contingent. They emphasized the role of Congress in shaping these issues. Many Members remained wary of introducing U.S. ground forces into Bosnia, asserted that the European allies should handle the ground troop requirements, and decried what they called a lack of consultation by the Administration on this issue.

On September 7, Representative Mark Neumann offered an amendment to a defense spending measure (H.R. 2126) that would have restricted Department of Defense funds for participation of United States armed forces in any operation in the former Yugoslavia. His amendment was subsequently amended by Representative John Murtha to exclude from this restriction emergency rescue or humanitarian operations (specifically NATO's operational plan to extract U.N. personnel from Bosnia). A few weeks later, the Senate overwhelmingly approved, 94 to 2, a non-binding amendment to a different spending measure (H.R. 2076) that would have conditioned funds for the deployment of United States armed forces in Bosnia on the prior approval of Congress. The vote reflected bipartisan Senate disapproval of U.S.

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<sup>26</sup> See Appendix for more details on the legislation.

<sup>27</sup> For more information on issues relating to war powers, see U.S. Library of Congress. Congressional Research Service. *The War Powers Resolution: Twenty-two Years of Experience*, by (name redacted) . CRS Report 96-476F. May 24, 1996. 58 p.

troop deployment to Bosnia without congressional authorization. However, some who voted in favor of the amendment stated that they would not have supported it if it had been binding on the President.

Around the same time, Senate Majority Leader Dole sent a letter to President Clinton urging "earnest and forthright" consultations with the Congress, and warning that the President's commitment to send peacekeepers would not be fulfilled without the concurrence of the Congress. Senator Dole added that "the point of consultations is to have input before there is a finished plan, before the Congress is handed a *fait accompli*,"<sup>2829</sup> but he remained noncommittal on his position on the Administration's plans to participate in Bosnia peacekeeping. On the Democratic side, Senator Robert Byrd, in a letter to President Clinton in early October, wrote that "it would be wise to have the support of the American people and Congress behind you." He argued that Congress "should share full responsibilities from the outset" for the decision to accept the Bosnia operation. Senator Byrd urged the President to "actively seek prior authorization" from the Congress for this mission.<sup>3031</sup>

Testimony by Secretary of State Christopher, Defense Secretary Perry, and Joint Chiefs of Staff General Shalikashvili in numerous hearings in mid-October 1995 did little to convince congressional skeptics on either side of the aisle. Administration witnesses asserted that they could not answer the many questions from Members until the details of a final peace agreement were finalized. Administration officials conceded that they had "a long way to go" to make the case for U.S. armed forces participation in Bosnia.<sup>3233</sup>

On the eve of the Dayton negotiations which opened on November 1, the House by a three-to-one margin passed a non-binding resolution (H.Res. 247) sponsored by Representative Stephen Buyer stating that no one should "presume" U.S. military participation in Bosnia peacekeeping. The resolution added that Congress should give prior approval for any deployment of U.S. forces. Virtually all House Republicans favored the resolution, while the Democrats split on the issue. Administration officials attempted to forestall the vote in the House because they feared passage of the resolution would damage prospects for successful negotiations,

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<sup>28</sup> Congressional Record, September 26, 1995, S14271-14272.

<sup>29</sup> Ibid.

<sup>30</sup> Congressional Record, October 20, 1995, S15391-15393. President Clinton responded that he would "welcome, encourage and, at the appropriate time, request an expression of support by Congress promptly after a peace agreement is reached."

<sup>31</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. Bosnia-former Yugoslavia and U.S. Policy, by (name redacted) and (name redacted). CRS Issue Brief IB91089, updated regularly.

<sup>32</sup> Congressional Quarterly Weekly Report, October 21, 1995, p 3217-3218.

<sup>33</sup> CBS Face the Nation, July 14, 1996.

which were dependent on NATO and U.S. participation in peacekeeping.<sup>3435</sup> After the vote, State Department officials criticized the move, calling it "not helpful" to the negotiations.

Notwithstanding the overwhelming margin of support for this non-binding resolution, the Republican leadership postponed immediate consideration of any tougher legislation that would have sought to bar U.S. forces from participating in Bosnia peacekeeping. House Speaker Newt Gingrich instead emphasized the importance of U.S. leadership in working for peace in Bosnia and the U.S. commitment to NATO.<sup>3637</sup>

However, other Republican House Members, in particular freshman Republicans, pressed for stronger initiatives in order to block the deployment of U.S. troops to Bosnia. The House Republican Conference on November 8, 1995, approved a bill to prohibit the President from sending U.S. troops unless approved by Congress. Representative Buyer, sponsor of the earlier, non-binding measure and supporter of the stronger bill, emphasized the need to act quickly to forestall U.S. deployment to Bosnia and to register congressional opposition to deployment before the fact. Other supporters of the bill strongly protested the Administration's apparent disinclination to seek the advice and consent of the Congress on this decision.

In response to the House initiatives and in the interest of not derailing the peace negotiations at Dayton, President Clinton sent a lengthy letter to the House leadership on November 13, 1995. In it, the President outlined U.S. interests in fulfilling the commitment to IFOR, IFOR's mission, the sequencing of events relating to IFOR, and other relevant issues. President Clinton pledged that there would be a "timely opportunity for Congress to consider and act upon my request for support before American forces are deployed in Bosnia." Nevertheless, Republican leaders replied in a letter warning President Clinton against assuming congressional support. They wrote that "it would be the gravest possible mistake to reach agreement in Dayton and then to find you do not have the support of the American people and Congress."<sup>3839</sup> A few days later the House passed, by a vote of 243-171, the Republican bill (H.R. 2606), sponsored by Representative Joel Hefley, that would have prohibited the use of Department of Defense funds for the deployment of U.S. armed forces as part of any peacekeeping operation in Bosnia unless funds for such deployment were specifically appropriated by law. Compared with the voting on the

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<sup>34</sup> *The New York Times*, October 31, 1995.

<sup>35</sup> U.S. House of Representatives. Committee on International Relations. Hearing on U.S. Policy Towards Bosnia. 104<sup>th</sup> Congress, First Session. November 30, 1995. pp. 11; 87.

<sup>36</sup> *Congressional Quarterly Weekly Report*, November 4, 1995, p. 3390.

<sup>37</sup> State Department news briefing, July 25, 1996.

<sup>38</sup> *The Washington Post*, November 14, 1995.

<sup>39</sup> Congressional Record, December 11, 1995, S18336.

earlier, non-binding resolution (H.Res. 247), the majority in the House that approved H.R. 2606 was smaller, with fewer Democrats supporting the measure.<sup>4041</sup>

After a brief recess, Congress returned on November 28 to face a new situation. The peace agreement had been completed and initialled on November 21 at Wright-Patterson Air Force base. NATO ministers were nearing approval for its plans to implement the military provisions of the peace agreement, with the virtual certainty of some U.S. troops being deployed to Bosnia. President Clinton had delivered a nationally-televised address on Bosnia on November 27 in which he argued that American values and interests required U.S. participation in implementing the peace agreement. Administration supporters in Congress said that with peace in Bosnia and U.S. credibility in NATO at stake, Congress should not block the Administration's commitment to participate in IFOR. Others in Congress remained unconvinced, but the threat of carrying out drastic measures to stop U.S. troops from deploying to Bosnia appeared to ebb.

On November 30, 1995, Senate Majority Leader Dole lent essential backing to the President, albeit reluctantly and conditionally, on sending U.S. troops to Bosnia. Senator Dole stated that he didn't agree with the President's decision, but that "the President has decided to send United States Forces to Bosnia. The fact is that these troops will be sent...If we would try to cut off funds we would harm the men and women in the military who have already begun to arrive in Bosnia." Instead, Senator Dole said he would seek to pass a resolution that would shape and condition U.S. involvement. In particular, Senator Dole urged that the United States develop an exit strategy based on having the Bosnians be able to defend themselves. Senator John McCain, a longstanding opponent of sending U.S. troops to Bosnia, supported Senator Dole's position and urged his Republican colleagues not to force the President to renege on his commitments and thereby damage the credibility of the country. Senator McCain asserted that the President had the authority to dispatch U.S. troops to Bosnia and predicted that Congress would not have the votes to overturn a presidential veto on a funding cut-off. He submitted that Congress had a responsibility to maximize the prospects for the success of the mission.<sup>4243</sup>

Some dissension within Republican ranks in the Senate forced Senator Dole to postpone consideration of his bill in the Senate for a week. Senate Majority Whip Trent Lott remained opposed to introducing U.S. ground troops into Bosnia. Senator Dole, meanwhile, requested assurances from the President regarding the exit strategy for IFOR. President Clinton responded in a letter to Senator Dole that "establishing a military balance within Bosnia by the time IFOR leaves is important to preventing the war from resuming and to facilitate IFOR's departure." He also stated that the

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<sup>40</sup> *Congressional Quarterly Weekly Report*, November 18, 1995, p. 3549. This article also noted the Senate's lack of support for the Hefley bill.

<sup>41</sup> Hearing on U.S. Foreign Policy, House Committee on International Relations, July 31, 1996.

<sup>42</sup> Congressional Record, November 30, 1996, S17861-17864.

<sup>43</sup> Letter from the U.S. Department of State to Representative Lee Hamilton, the Congressional Record, May 20, 1996, E844.

United States would take "a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves."<sup>4445</sup>

Finally on December 13, one day before the signing of the Dayton peace agreement in Paris, Senator Dole introduced a joint resolution (S.J.Res. 44) that expressed support for the men and women of the United States armed forces serving in Bosnia, but did not "authorize" the deployment. It set numerous conditions and limitations on the U.S. military commitment. The resolution would have required the President to limit IFOR's role to military and not nation-building tasks, and to actively promote the establishment of a military balance in Bosnia through a separate train and equip program for the Bosnian Federation. Senator McCain emphasized to his colleagues: "The resolution ...does not ask for Senators to support the decision to deploy. It asks you to support the deployment after the decision had been made. It asks you further to condition your support on some important commitments by the President."<sup>4647</sup>

S.J.Res. 44 passed by a vote of 69-30. Before voting on S.J.Res. 44, the Senate soundly defeated (22-77) a House-passed measure (H.R. 2606) to cut off funds for the deployment of U.S. armed forces. The Senate also narrowly defeated (47-52) a non-binding resolution (S.Con.Res. 35) supported by Senator Kay Bailey Hutchison, Majority Whip Lott, and Senator Inhofe, among others, that expressed opposition to the President's decision to deploy U.S. troops to Bosnia. In opposing both H.R. 2606 and S.Con.Res. 35, Senator Dole evoked his efforts during the Vietnam war to block Congress' efforts to cut off funding for the war while U.S. prisoners of war, including Senator McCain, were still in Vietnam. He also emphasized the importance of sending a message of support to the U.S. armed forces on the way to Bosnia.<sup>4849</sup>

On the House side, the Administration's uphill battle for support was even more difficult. The House had voted twice earlier in the year to cut off funds for any Bosnia deployment. Reflecting still strong opposition to deployment in Bosnia, 201

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<sup>44</sup> Congressional Record, December 13, 1995, S18551.

<sup>45</sup> Hearing on U.S. Participation in Operations in Bosnia, Senate Committee on Armed Services, August 1, 1996.

<sup>46</sup> Congressional Record, December 13, 1995, S18547.

<sup>47</sup> For further information on civil implementation and civil reconstruction, see U.S. Library of Congress. Congressional Research Service. Bosnia: Civil Implementation of the Peace Agreement, coordinated by (name redacted) CRS Report 96-177, updated October 11, 1996; and Bosnia Reconstruction: International Initiatives and the U.S. Role, by (name redacted). CRS Report 96-96, updated July 12, 1996.

<sup>48</sup> Congressional Record, December 13, 1995, S18549-18551.

<sup>49</sup> For more on congressional debates and legislation during the 103d Congress, see U.S. Library of Congress. Congressional Research Service. Bosnia-Herzegovina and the 103d Congress: Policy Debates and Summary of Major Legislation, by (name redacted) and Dianne Rennack. CRS Report 94-1008. December 12, 1994. 63 p. For a summary of 1995 legislation on the arms embargo, see Bosnia: Legislation on Lifting the Arms Embargo, 104<sup>th</sup> Congress, 1<sup>st</sup> Session, by (name redacted). CRS Report 96-347F. April 17, 1996. 4 p.

House Members, primarily Republicans, signed a letter to President Clinton on December 8 that said only, "we urge you not to send ground troops to Bosnia." Dozens of House Members travelled to Bosnia to evaluate the situation.

On December 13, the House considered three Bosnia resolutions. The first, H.R. 2770, sponsored by Representative Robert Dornan, would have prohibited federal funds from being used to deploy U.S. armed forces to Bosnia as part of any peacekeeping or implementation force. The bill narrowly failed by a vote of 210-218. The second measure, H.Res. 302, sponsored by Representative Buyer and Representative Ike Skelton, expressed "pride and admiration" for U.S. forces but reiterated "serious concerns and opposition" to the President's policy of deploying U.S. troops in Bosnia. It also summarized the will of the House opposing U.S. troop deployment expressed in earlier legislation. H.Res. 302 passed by a vote of 287-141. The third measure, H.Res. 306, sponsored by Representative Lee Hamilton, resolved that the House unequivocally supported the men and women of the U.S. armed forces serving in Bosnia. Representative Hamilton emphasized that only his resolution put the Congress on record in support of U.S. troops. Detractors said that the Hamilton resolution would be interpreted as an expression of support for the President's policy that they did not intend to give. H.Res. 306 failed by a vote of 190-237.

## 1996 Congressional Concerns and Debate

### Overview

In early 1996, Congress took no other legislative action regarding U.S. participation in IFOR beyond approving \$2.2 billion in supplemental funding and reprogramming requests for U.S. costs in IFOR in Fiscal Year 1996.<sup>50</sup> Hearings on the situation in Bosnia continued to be held, however, and many Members participated in congressional delegations to the region. By mid-1996, a number of issues emerged relating to the U.S. military commitment in the Balkans. These included IFOR's scheduled mission completion date by December 1996, problems in civilian peace implementation that could negatively affect IFOR's withdrawal, and the prospects for a successor military mission to IFOR.

In the short space of time after the August recess and before the end of the session, congressional committees held numerous hearings on these issues, especially on the possibility of a follow-on force. The threat of any renewed legislative efforts to cut off funding for U.S. troops in Bosnia appeared extremely remote, as most Members rather gave praise to the performance of U.S. troops serving in IFOR. Instead, most of the criticism expressed in Congress focussed on the Administration's alleged lack of candor in the 1996 election year about the likelihood of an extended

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<sup>50</sup> For more on U.S. costs in IFOR, see U.S. Library of Congress. Congressional Research Service. Bosnia: U.S. Military Operations, by Steven Bowman. Issue Brief IB93056, updated regularly.

<sup>51</sup> U.S. Senate. Committee on Armed Services. Hearing on American Troop Involvement in Bosnia. 104<sup>th</sup> Congress, 2<sup>nd</sup> Session. October 3, 1996.



U.S. troop deployment in Bosnia. In hearings, some Members of Congress reminded Administration officials and the public of the numerous pledges made by the Administration in 1995 regarding a one-year commitment to IFOR. They admonished the Administration for not consulting with Congress on plans for participating in a follow-on force. Administration officials countered that IFOR's mission would indeed conclude at the end of one year, and that discussion of and planning for the follow-on force remained preliminary.

With the final decisions on the Stabilization Force coming only in December, further reactions in Congress as well as any legislative proposals on U.S. participation in SFOR would await the 105th Congress. Future debates on SFOR are likely to reflect congressional concerns about costs, the 18-month deployment schedule for SFOR and its exit strategy, burden-sharing with European troop-contributing countries, and non-military aspects of SFOR's mission that could extend into "nation-building."

## **IFOR Redeployment Schedule by the End of 1996**

The Administration's plans for the timely redeployment of U.S. and other NATO troops in IFOR out of Bosnia were the subject of debate in Congress by mid-year. After Defense Secretary Perry hinted in June that NATO and possibly U.S. forces might stay in Bosnia beyond December 1996, House Republican leaders held a news conference to protest the implicit breach of the Administration's pledge to commit U.S. forces in IFOR for one year only. House Speaker Newt Gingrich accused the Administration of practicing "mission creep" while simultaneously reaffirming its policy of a one-year commitment, and issued a letter to the Administration requesting clarification on how long U.S. forces were to remain in Bosnia. House International Relations Committee Chairman Ben Gilman stated that the Congress and the American public had a right to know whether the President intended to keep U.S. troops in Bosnia beyond December or stick to the withdrawal schedule set by the Administration in 1995.<sup>5253</sup>

In the Senate, Secretary Perry's remarks provoked a sharp response from Senator James Inhofe. Senator Inhofe recalled his strong opposition in 1995 to the Administration's formulation of an exit date of twelve months rather than an exit strategy tied to a meaningful event. He called this phenomenon "commitment creep" that should have been foreseen by all at the outset. Moreover, he submitted that Administration officials should not have gone on record on repeated occasions committing IFOR to complete its mission within twelve months if the situation in Bosnia would in fact require a more open-ended commitment.<sup>5455</sup>

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<sup>52</sup> Reuters, June 20, 1996.

<sup>53</sup> See Appendix for more details on the legislation.

<sup>54</sup> Congressional Record, June 13-14, 1996. S6213-6214; S6259-6260.

<sup>55</sup> For more information on issues relating to war powers, see U.S. Library of Congress. Congressional Research Service. The War Powers Resolution: Twenty-two Years of Experience, by (name redacted) . CRS Report 96-476F. May 24, 1996. 58 p.

Later in the year, the Administration's decision to deploy an additional "covering force" to secure the withdrawal of U.S. troops in IFOR came under sharp attack by some in Congress for prolonging the overall U.S. deployment. By new Administration estimates, all U.S. troops in IFOR would not be out of Bosnia until mid-March 1997. Some Members of Congress saw this as a breach of the Administration's pledge to have U.S. forces leave by December 1996, a shift in policy, and another *fait accompli* before the Congress. Senator Thurmond, Senator McCain, and Senator Cohen, among others, decried the "notification on policy by press release" and the absence of the advice and consent of Congress on decisions concerning the deployment of additional U.S. forces to IFOR.<sup>5657</sup> They recalled concerns expressed in 1995 about an apparent lack of an exit strategy for IFOR.

Some also suspected that the additional deployment represented a "back door" approach to a follow-on force. The Administration sharply refuted this charge, insisting that the covering force bore no relation to the then still undecided policy on a follow-on force.

## Limited Progress in Civilian Peace Implementation

While IFOR's performance was widely lauded in Congress, less progress was evident in the non-military aspects of peace implementation. Freedom of movement remained limited, extremely few refugees and displaced persons were able to return home, and nationalist leaders remained in power. Members of Congress echoed the concerns of many others that IFOR's mission would not be viewed as a success if civil implementation efforts did not take firm hold in Bosnia. Uncertain political prospects in Bosnia threatened to reduce IFOR's accomplishments to a temporary cease-fire if fighting broke out upon or shortly after its departure.

At a hearing in July 1996, Senator Robert Kerrey pointed out that "peace is going to be achieved or lost due to the efforts of the civilian institutions." Senator Kerrey called for more effective organization and coordination on civil tasks, as well as a larger military role by IFOR in civil implementation.<sup>5859</sup> Other Members of Congress echoed concerns about the effectiveness and efficiency of the Office of the High Representative, and the performance of the U.N. civilian police task force.<sup>6061</sup>

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<sup>56</sup> U.S. Senate. Committee on Armed Services. 104th Congress, 2nd Session. Hearing on the Impact of the Bosnian Elections and the Deployment of U.S. Military Forces to Bosnia. October 2, 1996. Hearing on American Troop Involvement in Bosnia. October 3, 1996.

<sup>57</sup> Congressional Record, September 26, 1995, S14271-14272.

<sup>58</sup> U.S. Senate. Select Committee on Intelligence. Hearing. 104th Congress, 2nd Session. July 23, 1996.

<sup>59</sup> Ibid.

<sup>60</sup> U.S. House of Representatives. Committee on International Relations. Hearing on the Elections in Bosnia. 104th Congress, 2nd Session. September 19, 1996.

<sup>61</sup> Congressional Record, October 20, 1995, S15391-15393. President Clinton responded that he would "welcome, encourage and, at the appropriate time, request an expression of support by Congress promptly after a peace agreement is reached."

Disregard for the authority of the international war crimes tribunal, especially by the Bosnian Serbs, was of particular concern to many in Congress. Throughout the year, news reports described incidents where indicted war criminals passed through IFOR checkpoints unhindered. NATO maintained its policy that IFOR would not seek out or hunt down war criminals. In June, Senator Joseph Lieberman sponsored a resolution (S.Res. 270) which proclaimed that the apprehension and prosecution of indicted war criminals was essential for peace and reconciliation to be achieved in Bosnia. It also expressed the sense of the Senate that NATO should make it a priority to detain and bring indicted war criminals to justice. Senator Lieberman predicted that so long as indicted war criminals remain free, peace would not take hold in Bosnia.<sup>6263</sup> The resolution language was later incorporated into an amendment sponsored by Senator Lieberman to the Fiscal Year 1997 appropriations on foreign operations (H.R. 3540) urging continued and increased U.S. support for the tribunal.

The OSCE decision, with strong backing by the Clinton Administration, to hold elections throughout Bosnia as scheduled in September 1996 was also controversial in Congress. International human rights groups, among others, pressed for a postponement of the vote until conditions on the ground in Bosnia were more suitable for elections, and some in Congress supported this view.<sup>6465</sup> The Administration countered that, despite admittedly adverse conditions, delay in creating Bosnian political institutions would not benefit the Bosnian people, and that the Dayton schedule should be upheld where possible. Some Members of Congress questioned the U.S. insistence on elections, given that such elections were unlikely to be free and fair, and likely to reinforce rather than weaken forces for separation in Bosnia.

In addition to concern about overall progress in peace implementation, it was feared that problems in civilian implementation might endanger the schedule for IFOR's withdrawal by the end of the year. While IFOR's year-long mandate was never tied to any specific event or milestone, it was expected to provide for a secure environment for civilian peace implementation and political re-integration to get underway. Arguably, various civilian endeavors still at the beginning stages would have been undermined by a full withdrawal of IFOR, without an additional security force after IFOR.

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<sup>62</sup> Congressional Record, June 21, 1996, S6669.

<sup>63</sup> For more background on the Bosnian conflict and peace agreement, see U.S. Library of Congress. Congressional Research Service. Bosnia-former Yugoslavia and U.S. Policy, by (name redacted) and (name redacted). CRS Issue Brief IB91089, updated regularly.

<sup>64</sup> See statements from U.S. House of Representatives. Committee on International Relations. Hearing on the Elections in Bosnia. 104th Congress, 2nd Session. September 19, 1996.

<sup>65</sup> Congressional Quarterly Weekly Report, October 21, 1995, p 3217-3218.

## Initial Policy Debate on a New Mission in Bosnia

Since the Administration and the North Atlantic Alliance did not make final decisions on the Stabilization Force until December 1996, the initial debate in the 104th Congress regarding a follow-on mission in Bosnia remained speculative. However, the likely need for some sort of successor mission to remain in Bosnia after December became apparent already by mid-1996. In hearings and elsewhere, Members of Congress began to explore issues related to this possibility and raise preliminary questions on an extended U.S. military commitment to Bosnia. In the final weeks of the session, House and Senate committees scheduled extensive hearings with Administration officials and outside experts on the prospects for a follow-on force. In addition to charges of broken promises by the Administration, critics decried the lack of consultation with the Congress on the future of U.S. military engagement in Bosnia.

Initial debate in Congress focussed on preliminary policy questions: would a follow-on security force be required in Bosnia, and what were the Administration's plans regarding U.S. participation in such a force? Subsequent debate in the 105th Congress is likely to address more specific aspects of the Stabilization Force mission and the U.S. role in it.

**Was a follow-on mission necessary?** Without pre-judging the results of the September elections in Bosnia, U.S. intelligence analysts in mid-1996 began to reveal their analysis that some international forces would probably be required beyond December 1996 in order for peace to continue. In open hearings before Senate committees in July and August, Defense Intelligence Agency Director Lieutenant General Patrick Hughes testified that hostilities in Bosnia were "likely" to resume without "continued international engagement." CIA Deputy Director John Gannon predicted that "there would be a rapid move" toward ethnic partition after an IFOR withdrawal.<sup>66</sup><sup>67</sup> When asked to scale, from a low of 1 to the highest probability of 10, prospects of renewed warfare should IFOR depart with no further mission taking its place, Administration officials provided a rating of 5 or higher. Under this analysis, IFOR's mission by itself might amount to no more than a hiatus in the fighting. A longer breathing space for peace efforts to progress would therefore be needed. A residual or reconfigured implementation force would enable these efforts to go forward. At this point, Administration witnesses did not specify what shape or form such a residual force might take, or under what authority it might be configured.

Representative Lee Hamilton outlined the case for a follow-on mission in an op-ed article in the *Washington Post*. In his view, a follow-on NATO force was needed to allow civilian peace efforts in Bosnia to continue and to prevent the war from restarting. Without such a force, "all momentum gained toward peace and stability in Bosnia could be lost." He called for U.S. leadership in developing a new NATO

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<sup>66</sup> Testimony before the Senate Select Committee on Intelligence, July 23, 1996. Similar assessments were given before the Senate Armed Services Committee on August 1, 1996.

<sup>67</sup> CBS *Face the Nation*, July 14, 1996.

force to replace IFOR.<sup>6869</sup> This sentiment was repeated by numerous Administration witnesses in House and Senate hearings in September and October.

Others Members criticized the Administration's portrayal of the need for a follow-on force as something recently or unexpectedly discovered. For example, Senator John McCain criticized the Administration for having imposed what he called an artificial exit date of one year when it appeared that an extended mission would probably be required.<sup>7071</sup> He and others invoked numerous quotes by Administration officials that predicted that no follow-on mission would be necessary.

**Should the United States participate in the follow-on force?** Whether or not the United States should participate on the ground in any follow-on force was another early point of debate in Congress. Some expressed support for a continued U.S. role in securing the peace that the United States had helped forge and defend in Bosnia. They viewed the risks of complete withdrawal as too high for the still fragile peace in Bosnia. They also viewed NATO's credibility as an effective security organization at stake.

In hearings, Members of Congress challenged the Administration's vagueness on plans for participating in a follow-on force. In September, House National Security Committee Chairman Floyd Spence requested the Administration to specify: what would follow IFOR, would the United States participate in a follow-on force, what would be the size and mission of a follow-on force, what would be its costs, and what would be its exit strategy?<sup>7273</sup> Administration witnesses stated that such questions were premature and could not be answered before NATO and the President had made decisions on them. Other Members entreated Administration witnesses to "be honest" about the U.S. commitment to peace in Bosnia rather than assert only that IFOR could complete its mission by December.

As before, Congress was not an active participant in the decision-making process on SFOR. Many Members of Congress charged the Administration with not consulting in a forthright manner with the Congress. They criticized the Administration for again presenting to the Congress a "done deal," with possibly significant consequences, without prior consultation with the Congress. Senator McCain and others decried what they saw as an attempt by the Administration to side-step the constitutional prerogatives of Congress on war powers issues. Senate Armed Services Committee Chairman Strom Thurmond warned that the committee

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<sup>68</sup> *The Washington Post*, July 31, 1996.

<sup>69</sup> *The New York Times*, October 31, 1995.

<sup>70</sup> U.S. Senate. Committee on Armed Services. Hearing, 104th Congress, 2nd Session. August 1, 1996.

<sup>71</sup> U.S. House of Representatives. Committee on International Relations. Hearing on U.S. Policy Towards Bosnia. 104<sup>th</sup> Congress, First Session. November 30, 1995. pp. 11; 87.

<sup>72</sup> See U.S. House of Representatives. Committee on National Security. Hearing on U.S. Policy in Bosnia. 104th Congress, 2nd Session. September 25, 1996.

<sup>73</sup> Congressional Quarterly Weekly Report, November 4, 1995, p. 3390.

and the entire Congress might find it hard to support future U.S. efforts in Bosnia if "members of this Administration cannot find the time to fully and openly explain their policies."<sup>7475</sup>

Opponents of the U.S. extended deployment in Bosnia may argue for an earlier withdrawal than the 18-month mandate given to SFOR. They may argue that other countries, such as the European allies, should bear primary responsibility for extended peacekeeping duties in the Balkans. The United States could then support the SFOR operation with air and other assets not including ground forces. However, the primary European allies participating in IFOR insisted that NATO countries, including the United States, uphold a policy of "in together, out together." European leaders strongly opposed their continued involvement on the ground in Bosnia without the participation of U.S. ground troops. European leaders specifically ruled out a repetition of the UNPROFOR experience, when the United States supported UNPROFOR with air operations but did not risk its own troops on the ground. Administration officials testified that an absence of U.S. participation in a follow-on force would have severely diminished the chances of any force being formed.

In the next Congress, the mission and force structure for the new force may come under scrutiny. Will the mission be to uphold the military tasks achieved by IFOR, or will it be more involved with nation-building activities, and thus susceptible to "mission creep"? Will it be more engaged in apprehending indicted war criminals? Will the smaller force be adequate in size to carry out its mission? The exit strategy for SFOR is also likely to come under debate. Why was SFOR's mandate chosen to be for eighteen months? Could it be extended if conditions in Bosnia again warrant continued international engagement? Might other countries not be able to take over for the U.S. contingent? Finally, the question of costs for U.S. participation in SFOR is not likely to be overlooked, especially after the financial burden of about \$3 billion imposed by U.S. participation in IFOR.<sup>7677</sup>

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<sup>74</sup> U.S. Senate. Committee on Armed Services. 104th Congress, 2nd Session. Hearing on the Impact of the Bosnian Elections and the Deployment of U.S. Military Forces to Bosnia. October 2, 1996.

<sup>75</sup> State Department news briefing, July 25, 1996.

<sup>76</sup> U.S. General Accounting Office. *Bosnia: Costs Are Exceeding DOD's Estimate*. July 1996.

<sup>77</sup> The Washington Post, November 14, 1995.

## Appendix:

### Legislation on Bosnia Deployment, 104th Congress

Congress did not enact binding legislation on the question of deploying U.S. armed forces to Bosnia during the first session of the 104th Congress. Both the House and Senate considered numerous binding legislative proposals, some of which passed one or the other but not both chambers, which would have restricted funds for U.S. participation in Bosnia peacekeeping. In the second session, Congress passed legislation that provided funding for U.S. costs to IFOR.

### Enacted Legislation

**H.R. 2126. Department of Defense Appropriations, Fiscal Year 1996.** Representative Neumann offered an amendment to the Fiscal Year 1996 Defense Department appropriations bill on September 7, 1995, to restrict funds for additional U.S. military operations in Bosnia. He stated that the purpose of the amendment was "to require the President to come to Congress for approval prior to the deployment of United States troops in the Bosnian area."<sup>7879</sup> The Neumann amendment was adopted by the House by voice vote and incorporated into H.R. 2126 as Section 8111. It prohibited Department of Defense funds for participation of U.S. armed forces units in any operation in the territory of the former Yugoslavia above existing levels, with the exception of emergency air rescue operations, the airborne delivery of humanitarian supplies, or a possible emergency operation to extract U.N. personnel.

In conference, the Neumann amendment was dropped. Instead, Section 8124 of the conference report expressed the sense of Congress that none of the funds available to the Department of Defense shall be obligated or expended for the deployment or participation of United States armed forces in any peacekeeping operation in Bosnia-Herzegovina, unless such deployment or participation is specifically authorized by a law enacted after the date of enactment of this Act.

The House amended and passed H.R. 2126 on September 7, 1995 (294-125). The Senate amended and passed H.R. 2126 (in lieu of S. 1087) on September 7, 1995, by voice vote. The conference committee reported H.R. 2126 on September 25 (H.Rept. 104-261). House passed conference report on November 16, 1995 (270-158). Passed Senate, November 16 (59-39). Signed December 1, 1995, Public Law 104-61.

**H.R. 2076. Commerce, State, Justice Appropriations for Fiscal Year 1996.** On September 29, 1995, the Senate approved a non-binding amendment, sponsored by Senator Judd Gregg, to H.R. 2076 regarding prior approval of Congress for deployment of United States armed forces in Bosnia, by a vote of 94 to 2. The amendment expressed the sense of the Senate that no funds appropriated by this act be used for the deployment of United States armed forces for any ground operations in Bosnia unless: Congress gave its approval in advance of deployment; or the

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<sup>78</sup> Congressional Record, September 7, 1995, H8644.

<sup>79</sup> Congressional Record, December 11, 1995, S18336.

temporary deployment of United States armed forces was necessary for the evacuation of U.N. personnel or for other emergency situations. The conference agreement included the Gregg amendment on Bosnia as Section 413.<sup>80</sup><sup>81</sup> The House passed H.R. 2076, amended, on July 26, 1995 (272-151). The Senate amended and passed H.R. 2076 on September 29, 1995, by voice vote. Conference reported H.R. 2076 on December 1 (H.Rept. 104-378). House adopted conference report on December 6 (256-166). Senate adopted on December 7, 1995 (50-48). H.R. 2076 was vetoed by the President on December 19, 1995, over issues unrelated to Bosnia. The Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019) incorporated much of H.R. 2076, including the Bosnia amendment. Congress agreed to the conference report (H.Rept 104-537) on April 25, 1996. Signed April 26, 1996, Public Law 104-134.

**H.R. 3019. Omnibus Consolidated Rescissions and Appropriations Act of 1996.**

To partially offset incremental Fiscal Year 1996 DOD costs to IFOR, President Clinton requested \$620 million in supplemental appropriations and an additional \$200 million to fund civilian projects in Bosnia, both to be offset by rescissions of an equal amount of previously appropriated DOD funds. Congress approved the full \$820 million supplemental appropriations for U.S. costs to IFOR, and provided nearly \$200 million for civilian reconstruction aid from non-DOD funds.<sup>82</sup><sup>83</sup> The House passed H.R. 3019, amended, on March 7, 1996 (209-206). The Senate amended and passed H.R. 3019 on March 19, 1996 (79-21). The conference committee reported H.R. 3019 on April 24, 1996 (H.Rept. 104-537). The House agreed to the conference report on April 25, 1996 (399-25) and the Senate agreed the same day (88-11). Signed April 26, 1996, Public Law 104-134.

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<sup>80</sup> For more detailed information on this bill, see U.S. Library of Congress. Congressional Research Service. Appropriations for FY1996: Commerce, Justice and State, the Judiciary, and Related Agencies. (name redacted), Coordinator. CRS Report 95-632F. May 6, 1996. 42 p.

<sup>81</sup> Congressional Quarterly Weekly Report, November 18, 1995, p. 3549. This article also noted the Senate's lack of support for the Hefley bill.

<sup>82</sup> The remainder of DOD's estimated \$2.2 billion for Fiscal Year 1996 costs to IFOR were offset by reprogramming requests of previously appropriated funds. Fiscal Year 1997 costs are estimated at \$0.7 billion.

<sup>83</sup> Hearing on U.S. Foreign Policy, House Committee on International Relations, July 31, 1996.



## Legislation Approved by the House Only

**H.R. 2606.** On November 9, Representative Hefley introduced a bill to prohibit Department of Defense funds from being used for the deployment of U.S. armed forces in Bosnia, unless funds for such deployment had been specifically appropriated for that purpose. The House passed H.R. 2606 on November 17, 1995, 243-171. The Senate disagreed to H.R. 2606 by a vote of 22-77, on December 13, 1995.

**H.Res. 247.** Representative Buyer sponsored a sense-of-the-House resolution relating to the deployment of United States armed forces in Bosnia on October 30, 1995. The resolution resolved that "there should not be a presumption, and it should not be considered to be a prerequisite to the successful conclusion" of negotiations that the United States would deploy its armed forces to enforce a peace agreement. It also resolved that no United States armed forces should be deployed in Bosnia to enforce a peace settlement until the Congress had approved such a deployment. The House considered and agreed to H.Res. 247 under suspension of the rules on October 30, 1995 (315-103).

**H.Res. 302.** Representative Buyer introduced H. Res. 302 on December 13, 1995. The resolution reiterated "serious concerns and opposition to the President's policy that results in the deployment of 20,000 members of the United States armed forces on the ground" in Bosnia. It then expressed "pride and admiration" for members of the United States armed forces and called for the President to furnish the necessary resources and support to the U.S. armed forces. It stated that the U.S. government "should be impartial and evenhanded with all parties to the conflict" in Bosnia in order "to assure the safety and protection" of U.S. troops serving in and around Bosnia. The House approved H.Res. 302 by a vote of 287-141, on December 13, 1995.

## Legislation Approved by the Senate Only

**S.J.Res. 44, Concerning the Deployment of U.S. Armed Forces in Bosnia and Herzegovina.** Senator Dole introduced S.J.Res. 44 on December 13, 1995. The joint resolution comprised five sections.

- Section 1 expressed unequivocal support for the men and women of the United States armed forces carrying out their missions in support of peace in Bosnia.
- Section 2 expressed reservations about the President's decision to deploy U.S. armed forces to Bosnia, but noted that deployment had begun and that the U.S. commitment was for approximately one year to implement the military annex to the Dayton peace agreement only. Section 2 also required the President to determine that IFOR's mission would be limited to implementing the military annex; that an integral part of the U.S. objective in deploying troops to Bosnia was to establish a military balance that would enable the Bosnian Federation to provide for its own defense; and that the United States

would lead a separate international effort to provide equipment, arms, and training to the Bosnian Federation to ensure a self-defense capability.

- Section 3 required that the President submit a detailed report within 30 days after enactment on his plan to assist the Bosnian Federation in providing for its own defense. The report was to include an evaluation of the defense needs of the Bosnian Federation, the types of arms required to establish a stable military balance, the training to be provided, the U.S. role in ensuring that the Bosnian Federation was equipped and trained as rapidly as possible, the Administration's plans for using existing military draw-down authority, and the commitments of third countries to provide equipment and training.
- Section 4 required that the President submit a report every thirty days on the status of the deployment of U.S. armed forces in Bosnia. The report was to include detailed descriptions of: criteria for determining success for the deployment; the military mission and objectives; milestones for measuring progress; command arrangements for U.S. armed forces; the multilateral composition of forces in Bosnia; the status of compliance by all parties; incremental costs of the Department of Defense and other Federal agencies incurred for the deployment of U.S. armed forces; the exit strategy to provide for complete withdrawal of U.S. armed forces; and progress toward enabling the Bosnian Federation to provide for its own defense.
- Section 5 required that the President submit a report every sixty days on the status of implementation of the non-military aspects of the peace agreement. The report was to include detailed descriptions of: progress toward conducting of elections; status of the return of displaced persons and refugees; humanitarian and reconstruction efforts; police training and related civilian security efforts; and cooperation with the international war crimes tribunal. The report was also to address the status of coordination between IFOR and the High Representative, plans to continue civilian activities after the withdrawal of IFOR, all U.S. costs incurred for non-military assistance, and U.S. efforts to contain conflicts elsewhere in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of human rights of its majority Albanian population.

S.J.Res. 44 passed by a vote of 69-30, on December 13, 1995. Message on Senate action was sent to the House the same day.

### **Legislation Considered But Not Approved By the House**

**H.R. 2770.** Representative Dornan introduced H.R. 2770 on December 13. The bill stated that no Federal funds shall be appropriated or otherwise available for the deployment on the ground of United States armed forces in Bosnia as part of any

peacekeeping operation or as part of any implementation force. The House disagreed to H.R. 2770 by a vote of 210-218, on December 13, 1995.

**H.Res. 306.** The House considered H.Res. 306, sponsored by Representative Hamilton, on December 13. It resolved that the House "unequivocally supports the men and women of the United States armed forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery." The preamble to the resolution acknowledged that some Members had "questions and concerns about certain aspects of the peace implementation process." The House disagreed to H. Res. 306 by a vote of 190-237, on December 13, 1995.

### **Legislation Considered But Not Approved By the Senate**

**S.Con.Res. 35.** On December 13, Senator Hutchison introduced a non-binding resolution that said that "Congress opposes President Clinton's decision to deploy" U.S. troops to Bosnia, but added that "Congress strongly supports" the U.S. troops ordered to Bosnia by the President. The Senate disagreed to S.Con. Res. 35 by a vote of 47-52, on December 13, 1995.

**H.R. 2606.** On the same day, the Senate considered by disagreed to H.R. 2606, which had passed the House on November 17, and was received in the Senate on November 18.

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